

DRAFT ZONING ORDINANCE

TOWN OF LA POINTE

ASHLAND COUNTY, WISCONSIN

WITH PROPOSED AMENDMENTS

AS OF 10-6-2010

ADDITIONS IN *BOLD ITALICS*

DELETIONS ~~STRUCK THROUGH~~

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**ZONING ORDINANCE
TOWN OF LA POINTE
ASHLAND COUNTY, WISCONSIN**

SECTION 1.0 INTRODUCTION

1.1 AUTHORITY AND PURPOSE

For the purposes listed in Wisconsin Statutes, ~~Section~~ §s 60.62, 61.35, 62.23(7), and 87.30, the Town Board of La Pointe in regular session does ordain and enact as follows: An ordinance regulating and restricting the location, construction, and use of buildings, structures, and the use of land in the Town of La Pointe and for said purposes dividing the Township into districts. The Town of La Pointe has adopted village powers and this Ordinance is authorized and was enacted under village powers and Wisconsin Statutes, ~~Sections~~ § 60.62, 61.35, 62.23(7) and their predecessor statutes.

This Ordinance is adopted for the purpose of promoting and protecting the public health, safety, convenience and general welfare to further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect spawning grounds, fish, and aquatic life; to control building sites, placement of structures and land uses; to prevent overcrowding of any natural resource, to preserve natural beauty, and to promote the better uses of scenic resources. The Ordinance is not intended to prevent development, but it is intended to ensure that development occurs in an orderly manner so as to recognize and respect existing land uses.

~~Amended: March 20, 2006~~

1.2 INTERPRETATION

The provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of and the public health, morals, safety, and general welfare. Whenever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted regulations, ordinances, or private covenants, the most restrictive, or that imposing the higher standards, shall govern.

1.3 REPEAL

All other zoning ordinances or parts of ordinances of the Town inconsistent or conflicting with this Ordinance to the extent of their inconsistency only are hereby repealed.

SECTION 2.0 DEFINITIONS

2.1

For the purpose of this Ordinance certain terms or words herein shall be interpreted or defined as follows:

- * Words used in the present tense include the future tense.
- * The singular includes the plural.
- * The word "person" includes an individual, all partnerships, associations, and bodies, political and corporate.
- * The word "lot" includes the word "plot" or "parcel".
- * The term "shall" is always mandatory.
- * The word "used" or "occupied" as applied to any land or building shall be construed to include words "intended, arranged or designed to be used or occupied".
- * Undefined terms have to be given their plain, ordinary ~~meeting~~ **meaning** according to the dictionary
- * ***A document is considered filed when it has been received and stamped by one of the following: Town Clerk, Zoning Administrator, Administrative Assistant, or Clerical Assistant. This date is when the ten/thirty (10/30) day time limit begins and it is counted as day one. In counting a ten (10) day limit under this Ordinance weekends or holidays are not included and in counting a thirty (30) day time limit all days are counted.***

The following definitions shall be listed in alphabetical order:

(1) ~~GUEST HOUSE~~ ACCESSORY DWELLING:

~~Guest House~~ ***An Accessory Dwelling*** is any structure used for habitation other than the principal dwelling. ~~The intended use of a Guest House is for a sleeping place which is not to be used independently from the principal dwelling.~~ ***Guest Houses Accessory Dwellings shall and do require a sanitary permit. Accessory Dwellings shall not exceed sixty-five percent (65%) of the square footage of the principal dwelling or up to fifteen hundred (1500) square feet, not including decks, whichever is lesser. The term "guest house" and "accessory dwelling" are synonymous for the purposes of this Ordinance.***

(2) ACCESSORY STRUCTURE:

A detached subordinate structure which is clearly incidental to and customarily found in connection with the principal structure or use to which it is related. If attached to the principal building shall be considered a part of the principal building. It shall conform to the setback and other dimensional requirements of the district within which it is located. All other accessory structures shall also conform to the setback requirements of the principal building in the district within which it is located. Refer to Section 4.2.G of this Ordinance.

(3) ACCESSORY USE:

A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

(4) AGENT:

“Agent” shall mean the person designated by the owner as the person in charge of such establishment and whose identity shall be filed in writing with the Zoning Administrator upon issuance of the permit and updated five (5) days prior to a designated agent taking charge.

~~(2) BOATHOUSE:~~

~~Any structure located on the same lot as the principal building and used for protecting or storing of boats used for non-commercial purposes in conjunction with a residence.~~

(5) BUILDING:

Any structure used, designed, or intended for the protection, shelter, or roofed enclosure of persons, animals, or property.

(6) BUILDING FOOTPRINT:

The building footprint shall be the area under the horizontal projection of the roof, to include eaves and overhangs.

(7) BUILDING, HEIGHT OF:

The vertical distance measured from the average of outermost corners to the highest point on the roof.

~~(8) CAMPING GROUND~~ CAMPGROUND:

~~A parcel of land used or intended to be used, let or rented for occupancy by campers or for occupancy by or of trailers, tents or movable or temporary dwellings, rooms, or sleeping quarters of any kind.~~

Any parcel or tract of land owned by a person, the state or a local government unit which is designated, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by four or more camping units, or by one to three camping units if the parcel of tract of land is represented as a campground.

(9) CAMPING PARTY:

The maximum occupancy of the camping unit up to ten (10) persons ten years and older.

(10) CAMP SITE:

A segment of a campground that is designated by a camping party.

(11) CAMPING UNIT:

Any portable device, no more than four hundred (400) square feet in area, used as a temporary dwelling, including but not limited to a camping trailer, motor home, bus, van, pick-up truck or tent.

(12) CERTIFIED SURVEY MAP:

A Certified Survey Map (CSM) is a map made according to Chapter 236 of Wisconsin State Statutes. Refer to ~~Town of La Pointe~~ Technical Memorandum # 3 Subdivision Ordinance.

(13) COMMERCIAL ENTERTAINMENT FACILITY:

A public entertainment facility including, but not limited to, theaters, bowling alleys, mini golf, arcades, etc.

(14) DWELLING:

~~A building designed or used exclusively as the living quarters for one or more families or part thereof designed or used exclusively as a residence or sleeping place, but not used for transient occupancy, except when complying with Sections 6.2.B and 6.2.C of this Ordinance.~~

(15) DWELLING, MULTI-FAMILY:

~~A dwelling or group of dwellings on one plot containing separate living units for two or more families, but no more than three~~ **four (4)**, but which may have joint services or facilities or both.

(16) DWELLING, SINGLE FAMILY:

Single Family Dwelling shall mean a building or structure designed or constructed to be occupied by a single family for the purposes of human habitation.

(17) ESSENTIAL SERVICES:

Services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface, or overhead gas, electrical, steam, water, sanitary sewage, storm water drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations and hydrants, but not including buildings.

(18) FAMILY:

~~Family shall mean two or more individuals who are related to each other by blood, marriage, adoption or legal guardianship. For purposes of this Ordinance, a group of not more than four persons not necessarily related by blood or marriage, living together in a single living unit will be considered equivalent to a single family.~~

A person living alone or two or more people living together as a single housekeeping unit as distinguished from a group occupying a lodging facility.

(19) FARMING, GENERAL:

The production of field or truck crops, or the raising of livestock and livestock products for the commercial gain; as opposed to home gardening which is the production of the above items for home consumption or on-premise sale.

~~(16) FILED/TIME LIMITS:~~

~~A document is considered filed when it has been received and stamped by one of the following: Town Clerk, Zoning Administrator, Administrative Assistant or Clerical Assistant. This date is when the (10 day/30 day) time limit begins, and is counted as day one.~~

~~In counting a 10 day time limit under the Ordinance, you do not include weekends or holidays, and in counting a 30 day time limit, you just count the number of days.~~

(20) FLOODPLAIN:

The land that has been or may be covered by flood water during the regional flood and includes the floodway and flood fringe ~~as defined in the Ashland County Zoning Ordinance.~~ *and may include other areas as designated by Ashland County Zoning for regulatory purposes.*

(21) FOREST CROPS AND PRODUCTS:

The growing and harvesting of trees. The processing of logs by sawing, kiln drying, shaping, planing and otherwise preparing lumber for re-sale. The sale of lumber processed on the property, as well as, the sale of crops such as logs and firewood.

Amended: December 9, 2005

(22) GRADE:

When used as a reference point in measuring the height of a building, the grade shall be the average elevation of the finished ground at the exterior walls of the main building.

Amended: June 2, 2009

(23) ~~HOSPITAL:~~ *HEALTH CARE FACILITY:*

Unless otherwise specified, the term "~~Hospital~~ ***Health Care Facility***" includes a sanitarium, prevention clinic, rest home, nursing home, convalescent home, ***assisted living facility***, and any other place for the diagnosis, treatment or other care of ailments, ~~and is limited to places for the diagnosis, treatment or other care of human ailments.~~

(24) HOME BUSINESS:

~~A business enterprise carried out by resident(s) of a dwelling that may involve activities on the premises outside of the dwelling including storage and use of equipment and may include activities of employees not residing in the dwelling. (Examples include landscaping and welding but not automotive repair or spray painting.)~~

Amended: June 3, 2009

A business, profession, occupation, or trade conducted for gain or support in conjunction with a residence in a manner that meets the requirements of Section 6.4.C of this Ordinance.

(25) HOME OCCUPATION ENTERPRISE:

The secondary and incidental use of a dwelling or accessory structure by a person residing in the dwelling to produce goods and services with limited visits by customers and vehicles and limited activities outside of the dwelling or accessory structure.

(Examples include woodworking, pottery, hair care, licensed day care or a tradesman using the home as a base of operations.) ***Refer to Section 6.4.B.***

Amended: June 3, 2009

(26) HOME OFFICE/STUDIO:

The secondary and incidental use of a dwelling by a person residing therein conducting business activities that does not include visits from the public to the premises or activities outside of the dwelling. (Examples of activities are telemarketing, writing, drafting, electronic commerce via the internet, and arts and crafts not requiring machinery not normally used in a residential dwelling.) ***Refer to Section 6.4.A.***

Amended: June 3, 2009

(27) IMPERVIOUS SURFACE

An area that releases as runoff all or a majority of the precipitation that falls on it. Impervious surface excludes frozen soil but includes rooftops, sidewalks, driveways, parking lots, and streets unless specifically designed, constructed, and maintained to be pervious.

(28) JUNK/SALVAGE YARD:

A lot, land or structure, or part thereof, used primarily for the collecting, storage and/or sale of waste paper, rags, scrap metal or discard material; or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition and/or for the sale of parts thereof.

(29) LAND DISTURBING ACTIVITY:

Any man-made change of the land surface including stumping of vegetative cover, excavating, filling, soil deposits and grading but not including agricultural land uses such as planting, growing, cultivating, and harvesting of crops: growing and tending of gardens; harvesting of trees; and landscaping.

(30) LOADING AREA:

A completely off-street space or berth on the same lot for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.

(31) LODGING FACILITY:

A building or premises or part thereof in which sleeping accommodations are offered for three (3), but not more than eight (8), non-transients not members of a family.

(32) LOT:

A parcel of land occupied or capable of being occupied by one building and the accessory buildings or uses customarily incidental to it, including such open spaces as are required by this Ordinance.

(33) LOT AREA:

As it pertains to any property division and/or reconfiguration, lot area shall be the total footage lying within the peripheral boundaries of a parcel of land. In any zoning jurisdiction, the area of a lot specifically excludes: any portion of public right-of-way, areas of navigable water.

(34) LOT, DEPTH OF:

A mean horizontal distance between the front and rear lot lines, measured in the general

direction of its side lot lines.

(35) LOT ~~LINES~~ LINE:

Any line dividing one lot from another.

(36) LOT OF RECORD:

A parcel of land legally created and ~~required~~ **recorded** at the Ashland County Register of Deeds Office prior to the effective date of this Ordinance or subsequent amendments thereto ~~and having insufficient size to meet the lot width, lot area, setback, off-street parking area, or other open space provisions of this area.~~

(37) LOT, WIDTH OF:

~~The mean width measured at right angles to its depth.~~ ***The mean horizontal distance between the side lot lines of a lot measured at right angles to the depth. On irregularly (non-perpendicular) shaped lots, the width shall be the average width of the lot computed according to Section 16.2.***

(38) MINOR ACCESSORY STRUCTURE:

Any small, moveable accessory erection or construction such as birdhouses, tool houses, pet houses, play equipment, and arbors. See Section 4.2.G.

(39) MINOR ~~LOT~~ SUBDIVISION:

A minor ~~lot~~ subdivision is any division of land by the owner or subdivider resulting in the creation of two (2) or more parcels or building sites and ~~which division~~ does not create a subdivision as defined herein. Refer to ~~Town of La Pointe~~ Technical Memorandum #3 Subdivision Ordinance. ***Refer to Ashland County Sub-Division Control Ordinance.***

(40) MOBILE HOME:

Any structure originally designed to be capable of transportation by any motor vehicle upon public highways, which does not require substantial on-site fabrication, and which is intended for occupancy.

(41) NAVIGABLE WATER:

Lake Superior, all natural inland lakes within the Town of La Pointe and all streams, ponds, sloughs, flowages and other waters within the territorial limits of the Town.

(42) NONCONFORMING LOT OF RECORD:

A parcel of land legally created and recorded at the Ashland County Register of Deeds

Office prior to the effective date of this Ordinance or subsequent amendments thereto and having insufficient size to meet the lot width, lot area, setback, off-street parking area, or other open space provisions of this Ordinance.

(43) NONCONFORMING STRUCTURE:

One which was legally constructed prior to the effective date of this Ordinance or subsequent amendment thereto ~~because the structure is~~ that is not in conformance with the setback, height, coverage, or floor area ratio requirements of the district in which it is located. A structure located on a nonconforming lot shall not be classified as a nonconforming structure solely because of insufficient lot area or width.

(44) NONCONFORMING USE:

~~A building, structure or use of land~~ *The lawful use of a building, structure, or land existing at the time of enactment **or amendment** of this Ordinance, and which does not conform to the regulations of the district or zone in which it is situated.*

(45) NUDITY:

The showing of the human male or female genitals or pubic area with less than a fully opaque covering or the depiction of covered male genitals in a discernibly turgid state and/or the appearance of bare buttocks, anus, or female breast.

(46) PARKING LOT:

A structure or premises containing five or more parking spaces open to the public.

(47) PARKING SPACE:

Each off-street parking space, whether inside or outside, shall be not less than nine (9) feet wide, not less than eighteen (18) feet long, not less than ~~one hundred and eighty~~ **(180) one hundred and sixty two (162)** square feet in area, and be so located and situated so as to not block any on-street parking.

Amended: March 20, 2006

(48) PLAT MAP:

A plat map is a map of a subdivision of a piece of land subdivided into lots with streets, alleys, etc. usually drawn to scale. ***Refer to Technical Memorandum #3 Subdivision Ordinance.***

(49) PROJECT BEGINNING:

Project begins at land disturbing activity.

(50) RENTAL, SHORT TERM:

Rental for less than one month. "One month" means the lesser of: (1) a calendar month, or (2) a continuous period of thirty (30) days. The day of check-in is counted as a day, however, the day of check-out is not counted as a day.

(51) RENTAL, LONG TERM:

Rental for one month or more. "One month" means the lesser of: (1) a calendar month, or (2) a continuous period of thirty (30) days. The day of check-in is counted as a day, however, the day of check-out is not counted as a day.

(52) ROAD ACCESS:

~~Is that~~ *That* portion of the road/*driveway* that includes the right of way and the culvert only.

(53) ROAD/DRIVEWAY EXTENSION:

That portion of road/driveway beyond the right of way to provide ingress and egress.

(54) ROAD RIGHT-OF-WAY:

A strip of land reserved for the construction and maintenance of a public roadway and its appurtenances.

(55) SEXUAL CONDUCT:

Acts of masturbation, sexual intercourse, or physical contact with a person's unclothed genitals, pubic area, buttocks, or, if such person be a female, her breast.

(56) SEXUAL EXCITEMENT:

The condition of the human male or female genitals when in a state of sexual stimulation or arousal.

(57) SEXUALLY-ORIENTED BUSINESS:

An adult bookstore, adult theater, adult massage parlor, adult sauna, adult entertainment center, adult cabaret, adult health/sport club, adult steam room/bathhouse facility, or any other business whose primary business activity is characterized by emphasis on matters depicting, describing, or relating to nudity,

sexual conduct, sexual excitement or sadomasochistic abuse as defined herein.

(58) SIGN:

A sign is any structure or natural object or part of it, or device attached to it or printed or represented on it which is intended to attract attention to any object, product, place, activity, person, institution, organization, or business, or which shall display or include any letter, work, model, banner, flag, pennant, insignia, device, or representation used as or which is in the nature of an announcement, direction, or advertisement.

(59) SINGLE FAMILY:

Single Family shall mean and refer to one family as opposed to more than one family.

(60) STEEP SLOPE:

A steep slope is a slope greater than twenty (20) percent.

(61) STRUCTURE:

Anything constructed or erected with a fixed location on the ground, or attached to anything having a fixed location on the ground. Structures shall include, *but are not limited to*, buildings and mobile homes, ~~but structures shall not include fences *ten (10) feet or less*. For further information, refer to "Procedural Guidelines/ Zoning and Planning List of Interpretations."~~

(62) STRUCTURAL ALTERATION:

Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams, or girders, or any structural change in the roof or in the exterior walls. Ordinary maintenance and repairs are not considered structural repairs, modifications or additions. Such ordinary maintenance and repairs include internal and external painting, decorating, paneling, and replacement of doors, windows, roof surface, siding, and other nonstructural components.

(63) SUBDIVISION:

A subdivision is a division of a lot, parcel or tract of land by the owner or the owner's agent for the purpose of sale or of building development where:

- a) The act of division creates five (5) or more parcels or building sites of two point five (2.5) acres or less in area *or*
- b) Five (5) or more parcels or building sites of two point five (2.5) acres each or less in area are created by successive divisions within a period of five years.

(64) SUBSTANTIAL COMPLETION:

Substantial completion shall be defined, where applicable, as "foundation in" and, where

applicable, "external walls up, windows in, roof on, doors installed."

(38) TIME LIMITS:

~~See Section 2.1(12) above.~~

(39) TRAILER:

~~A portable vehicle designed and used for temporary sleeping purposes while its occupants are engaged in the pastime of camping.~~

(65) TOURIST/TRANSIENT:

A person who travels to a location away from his or her permanent physical address for less than one month for vacation, pleasure, recreation, culture, business, or employment. "One month" means the lesser of: (1) a calendar month, or (2) a continuous period of thirty (30) days. The day of check-in is counted as a day, however, the day of check-out is not counted as a day.

(66) USE:

The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent does not include any non-conforming use.

(67) YARD, FRONT:

An open, unoccupied space on the same lot with the building between the front line of the building and the front line of the lot and extending the full width of the lot. For shoreline parcels, the lakeside shall be considered the front; for inland parcels, the unoccupied space that provides the parcel's principal access shall be considered the front. *Setbacks are measured from the right of way.*

(68) YARD, REAR:

An open, unoccupied space on the same lot with the building between the rear line of the building and the rear line of the lot and extending the full width of the lot, and, located on the opposite side of the structure from the front yard. *Setbacks are measured from the right of way.*

(69) YARD, SIDE:

An open, unoccupied space on the same lot with the building situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot lines not a rear line or a front line shall be deemed a side line.

Amended: Definitions renumbering -- December 9, 2005; March 20, 2006

(70) ZONING ADMINISTRATOR:

The Zoning Administrator or an individual duly authorized to perform the duties and functions of the Zoning Administrator (see Section 8).

SECTION 3.0 ZONING DISTRICTS

3.1 ESTABLISHMENT OF DISTRICTS

For the purposes of this Ordinance, the area of the Town of La Pointe (Madeline Island) is hereby divided into the following districts:

1. W – P Wetland Protection Overlay
2. W - 1 Wilderness Preservation
3. W - 2 Wilderness Preservation
4. R - 1 Residential, Single Family, Low Density
5. R - 2 Residential, Single Family, Medium Density
6. R - 3 Residential, Multi-Family
7. S - 1 Shoreland Protection
8. S - 2 Shoreland Protection
9. C - 1 Commercial/***Town Center***
10. S - O Shoreland Overlay
11. F - O Flood Hazard Overlay
12. L Z - ***1*** Light Industrial Zone
13. ***LZ – 2 Light Industrial Zone***
14. ***G – 1 Government and Institutional***
15. ***P – R Public Resource Land***
16. ***C – V Conservancy District***
17. ***T – P Town Park Overlay***
18. ***M - 1 Marina***

See "Zoning Schedule--Dimensional Requirements" in ~~Appendix~~ ***Section 16.1 and Conditional Use Matrix, Section 16.3*** for further information on specific districts.

3.2 W - P WETLAND PROTECTION OVERLAY DISTRICT

This district includes swamplands and areas that have a water table at or near the surface all or a substantial part of the year. The purpose of this district is to prevent development from areas not generally capable of supporting structural development *and to provide* ~~Providing~~ the wetlands necessary to the support of various species of wildlife.

All Permitted and Conditional Uses must conform to the requirements of the Ashland County Shoreland Amendatory Ordinance and the Ashland County Floodplain Zoning Ordinance.

A. Permitted Uses

1. ~~None~~ **Road Access**

B. Conditional Uses

1. **Agricultural Crop Farming** ~~Public Fish Hatcheries~~
2. **Fish Hatchery**
3. Forest Management Programs
4. Game Preserves
5. Public Service Utilities~~ty~~
6. Public Utilities~~y~~ ~~Sewage Disposal Facilities~~
7. **Road/Driveway Extension**

Amended March 28 2007

3.3 W-1 WILDERNESS PRESERVATION DISTRICT 1

~~These districts~~ *This district provides for the continuation of forest programs and related uses in the interior areas of Madeline Island best suited for such activities. It provides for a very low density of development, depending upon location relative to existing facilities and services to provide a continuation of the wilderness character and a sense of isolation.*

All Permitted and Conditional Uses must conform to the requirements of the Ashland County Shoreland Amendatory Ordinance and the Ashland County Floodplain Zoning Ordinance.

A. Permitted Uses

- ~~Production of forest crops and products~~
- ~~Production of agricultural crops and products~~
- 1. *Accessory Dwelling (1 only)*
- 2. *Accessory Dwelling, Rental of*
- 3. *Accessory Structure*
- 4. *Agricultural Crop Farming*
- 5. *Dwelling, Single Family (1 only)*
- 7. *Dwelling, Single Family Rental of*
- 8. *Forest Crops and Products*
- 9. *Game Preserves*
- 10. *Home Office/Studio*
- 11. *Home Occupation Enterprise*
- 12. *Land Disturbing Activity*
- 13. *Livestock Production/Products*
- 14. *Road Access*
- 15. *Road/Driveway Extension*
- ~~Single Family Dwellings~~
- ~~Seasonal and Recreational Dwellings~~
- ~~Rental of Single Family Dwellings~~
- ~~One Guest House only is allowed~~

Amended: December 9, 2005

B. Conditional Uses ~~Including But Not Limited To:~~

- 1. Airports
- 2. Campground
- 3. Cemetery
- 4. ~~Public Fish Hatcheries~~
- 5. Fuel Storage *Facility* ~~Private Recreational Facilities~~
- 6. *Home Business*
- 7. Junk/Salvage Yards
- 8. Planned Unit *Residential* Developments
- 9. Professional Offices
- 10. Public Utilities~~y~~
- 11. Public Service Utilities~~y~~
- 12. ~~Quarrying and/or Mining~~ *Non-Metallic Mining*

13. Sewage and Solid Waste Disposal Facilities

14. *Veterinary Care Facility* ~~Travel Trailer Parks~~

15. *Wind Generator, Telecommunication and Radio Tower, Solar
Collector over thirty five feet (35)' High*

~~Amended March 28 2007~~

3.4 W-2 WILDERNESS PRESERVATION DISTRICT 2

~~*These districts*~~ This district *provides for the continuation of forest programs and related uses in the interior areas of Madeline Island best suited for such activities. It provides for a very low density of development,* and is intended to accommodate small-scale enterprises compatible with the general character of the area *depending upon location relative to existing facilities and services to provide a continuation of the wilderness character and a sense of isolation.* All Permitted and Conditional Uses must conform to the requirements of the Ashland County Shoreland Amendatory Ordinance and the Ashland County Floodplain Zoning Ordinance.

A. Permitted Uses

- 1. Accessory Dwelling (1 only)**
- 2. Accessory Dwelling, Rental of**
- 3. Accessory Structure**
- 4. Agricultural Crop Farming**
- 5. Dwelling, Single Family (1 only)**
- 6. Dwelling, Single Family Rental of**
- 7. Forest Crops and Products**
- 8. Game Preserves**
- 9. Home Business**
- 10. Home Occupation Enterprise**
- 11. Home Office**
- 12. Land Disturbing Activity**
- 13. Road Access**
- 14. Road/Driveway Extension**
 - ~~Production of forest crops and products~~
 - ~~Production of agricultural crops and product~~
 - ~~Single Family Dwellings~~
 - ~~Seasonal and Recreational Dwellings~~
 - ~~Rental of Single Family Dwellings~~
 - ~~One Guest House only is allowed~~

Amended: December 9, 2005

B. Conditional Uses ~~Including But Not Limited To:~~

- ~~1. Airports~~ ~~Private Recreational Facilities~~
- 2. Building, Municipal**
- ~~3. Cemetery~~
- ~~4. Public Fish Hatcheries~~
- 5. Fuel Storage Facility**
- ~~6. Junk/Salvage Yards~~
- 7. Livestock Production/Products**
- 8. Lodging facility (up to three (3) non-transients)**
- ~~9. Quarrying and/or Mining~~ **Non-Metallic Mining**
- ~~10. Planned Unit~~ **Residential** Developments
- ~~11. Professional Office~~
- ~~12. Public Utility~~
- ~~13. Public Service Utilities~~

14. ~~Sewage and Solid Waste Disposal Facilities~~
 15. *Veterinary Care Facility*
 16. *Warehouses/Storage Facility*
 17. *Wind Generator, Telecommunication and Radio Tower, Solar Collector
over thirty five feet (35') High*
- ~~Travel Trailer Parks~~

~~Amended March 28 2007~~

3.5 R - 1 RESIDENTIAL, SINGLE-FAMILY, LOW DENSITY

This district is intended to provide for a large lot development. This low-density residential development will provide for lots sufficient to preserve, for the most part, the low-density *and historic* character of the Island. ***All Permitted and Conditional Uses must conform to the requirements of the Ashland County Shoreland Amendatory Ordinance and the Ashland County Floodplain Zoning Ordinance.***

A. Permitted Uses

1. *Accessory Dwelling (1 only)*
2. *Accessory Dwelling, Rental of*
3. *Accessory Structure*
4. *Agricultural Crop Farming*
5. *Dwelling, Single Family (1 only)*
6. *Dwelling, Single Family Rental of*
7. *Forest Crops and Products*
8. *Home Occupation Enterprise*
9. *Home Office/Studio*
10. *Land Disturbing Activity*
11. *Religious Facilities*
12. *Road Access*
13. *Road/Driveway Extension*
 - ~~Single-Family Dwellings~~
 - ~~Seasonal and Recreational Dwellings for single-family use~~
 - ~~Production of forest products~~
 - ~~Production of agricultural products except livestock~~
 - ~~Rental of Single-Family Dwellings~~
 - ~~One Guest House only is allowed~~

B. Conditional Uses including but not limited to:

1. ~~Building, Municipal~~
2. *Cemetery*
3. *Dwelling, Multiple Family (See Note 1)*
4. *Dwelling, Multiple Family, Rental of*
5. *Lodging facilities (up to three (3) non-transients)*
6. *Planned Unit Residential Developments (See Note 2)*
 - ~~—Mobile home parks~~
7. *Professional offices*
8. *Public Utilities*
9. *Public Service Utilities*
10. *Wind Generator, Telecommunication and Radio Tower, Solar Collector Over thirty five feet (35') High*
 - ~~Private recreation facilities~~
 - ~~Production of agricultural livestock products~~
 - ~~Travel trailer parks~~
 - ~~Resorts~~
 - ~~Game preserves~~
 - ~~Fish hatcheries~~

~~Quarrying and mining~~
~~Airports~~
~~Public buildings~~

Note 1: Required lot size for Multiple Family Dwellings and Planned Unit Residential Developments shall be the number of residential units times the Minimum Required Lot Area. Minimum lot width shall be the number of residential units times the Minimum Lot Width for the Zone specified in the Zoning Schedule-Lot Dimensional Requirements.

Note 2: Planned Unit Residential Developments are allowed only in the interior of the island as described in Section 6.1.D.

Amended March 28 2007

3.6 R-2 RESIDENTIAL, SINGLE-FAMILY, MEDIUM DENSITY

This district provides for year-round and seasonal housing opportunities on smaller lots within the community area near public services *to preserve for the most part the current density and historic character of the district. All Permitted and Conditional Uses must conform to the requirements of the Ashland County Shoreland Amendatory Ordinance and the Ashland County Floodplain Zoning Ordinance.*

Amended March 28 2007

A. Permitted Uses:

1. *Accessory Dwelling (1 only)*
2. *Accessory Dwelling, Rental of*
3. *Accessory Structure*
4. *Dwelling, Single Family (1 only)*
5. *Dwelling, Single Family Rental of*
6. *Dwelling, Multiple Family, Rental of Existing*
7. *Home Occupation*
8. *Home Office*
9. *Land Disturbing Activity*
10. *Religious Facility*
11. *Road Access*
12. *Road/Driveway Extension*

~~Single Family Dwellings~~

~~Seasonal and Recreational Dwellings for single family use~~

~~Rental of Single Family Dwellings~~

~~One Guest House only is allowed~~

B. Conditional uses ~~including but not limited to:~~

1. *Building, Municipal*
 2. *Cemetery*
 3. *Health Care Facility*
 4. *Parking Lot*
 5. *Public Utility*
 6. *Public Service Utility*
 7. *Recreational Facility*
- ~~Public buildings~~
~~Private Recreational Facilities~~
~~Public and private health care~~
~~Mobile home park~~
~~Planned Unit Developments~~

Amended March 28 2007

3.7 R - 3 RESIDENTIAL, MULTI-FAMILY

This district provides for the highest residential densities in locations close to major public services. It is intended to provide for year-round and seasonal housing opportunities in close proximity to existing major recreation resources. ***All Permitted and Conditional Uses must conform to the requirements of the Ashland County Shoreland Amendatory Ordinance and the Ashland County Floodplain Zoning Ordinance.***

Amended March 28 2007

A. Permitted Uses

1. *Accessory Dwelling (1 only)*
2. *Accessory Dwelling, Rental of*
3. *Accessory Structure*
4. *Dwelling, Multiple Family, Rental of*
5. *Dwelling, Single Family (1 only)*
6. *Dwelling, Single Family Rental of*
7. *Home Occupation*
8. *Home Office*
9. *Land Disturbing Activity*
10. Religious Facility
11. *Road Access*
12. *Road/Driveway Extension*
 - ~~Single Family Dwellings~~
 - ~~Multi-Family Dwellings~~
 - ~~Single and multi-family rental dwellings~~
 - ~~Health Care Facilities~~
 - ~~Rental of Single Family Dwellings~~
 - ~~One Guest House only is allowed~~

B. Conditional Uses ~~including but not limited to:~~

1. Cemetery
2. *Dwelling, Multiple Family (1 only)**
3. *Health Care Facility*
4. *Lodging facility (up to three (3) non-transients)*
5. Planned Unit *Residential* Developments
6. Public Utilities~~y~~
7. Public Service Utilities~~y~~
8. ~~Private~~ Recreational Facilities~~y~~

****Required lot size for Multiple Family Dwellings and Planned Unit Residential Developments shall be the number of residential units times the Minimum Required Lot Area. Minimum lot width shall be the number of residential units times the Minimum Lot Width for the Zone specified in the Zoning Schedule-Lot Dimensional Requirements.***

Amended March 28 2007

3.8 S - 1 SHORELAND PROTECTION DISTRICT

This district is intended to provide for development along the shorelines in a manner that will not deplete or destroy the character of shoreline resources. ***All Permitted and Conditional Uses must conform to the requirements of the Ashland County Shoreland Amendatory Ordinance and the Ashland County Floodplain Zoning Ordinance.***

A. Permitted Uses

- 1. Accessory Dwelling (1 only)*
- 2. Accessory Dwelling, Rental of*
- 3. Accessory Structure*
- 4. Agricultural Crop Farming (outside the Shoreland Overlay District)*
- 5. Dwelling, Single Family (1 only)*
- 6. Dwelling, Single Family Rental of*
- 7. Forest Crops and Products (outside the Shoreland Overlay District)*
- 8. Home Occupation Enterprise (outside the Shoreland Overlay District)*
- 9. Home Office*
- 10. Land Disturbing Activity*
- 11. Road Access*
- 12. Road/Driveway Extension*

~~Single Family Dwellings~~

~~Seasonal and Recreational Dwellings for single family use~~

~~Production of agricultural products except livestock~~

~~Production of forest crops~~

~~Rental of Single Family Dwellings~~

~~One Guest House only is allowed~~

B. Conditional uses ~~including but not limited to:~~

- 1. Agricultural Crop Farming (within Shoreland Overlay District)*
~~Airports~~
- 2. Cemeteries-violent took products Livestock Production/Products*
- 4. Park/Campground, Municipal*
- 5. Planned Unit Residential Developments Development (See Notes 1 & 2)*
- 6. Public Service Utilities Utility*
- 7. Public Utilities-Utility*
- 8. Quarrying and/mining*
- 9. Wind Generator, Telecommunication and Radio Tower, Solar Collector over thirty five feet (35') high*
~~Parking Lots~~
~~Multi-family rental dwellings~~
~~Public Facilities~~
~~Private Recreation Facilities~~

Note 1: Required lot size for Planned Unit Residential Developments shall be the number of residential units times the Minimum Required Lot Area. Minimum lot width shall be the number of residential units times the minimum lot width for the Zone

specified in the Zoning Schedule-Lot Dimensional Requirements.

Note 2: Planned Unit Residential Developments are allowed only in the interior of the island as described in Section 6.1.D.

~~Amended March 28 2007~~

3.9 S - 2 SHORELAND PROTECTION DISTRICT

This district is intended to provide for development along the shorelines in a manner that will not deplete or destroy the character of shoreline resources. The S-2 Shoreland Protection District will contain the land from the center of Big Bay Road to the lake and from the Big Bay Town Park to the Schoolhouse Road. The property is located in Sections 7, 8, 5, 4 and 3 T50N R2W. *All Permitted and Conditional Uses must conform to the requirements of the Ashland County Shoreland Amendatory Ordinance and the Ashland County Floodplain Zoning Ordinance.*

A. Permitted Uses

- 1. Accessory Dwelling (1 only)*
- 2. Accessory Dwelling, Rental of*
- 3. Accessory Structure*
- 4. Dwelling, Single Family (1 only)*
- 5. Dwelling, Single Family Rental of*
- 6. Home Office/Studio*
- 7. Land Disturbing Activity*
- 8. Road Access*
- 9. Road/Driveway Extension*

~~Single Family dwellings~~

~~Seasonal and Recreational dwellings for single family use~~

~~Production of agricultural products except livestock~~

~~Production of forest crops~~

~~Rental of Single Family Dwellings~~

~~One Guest House only is allowed~~

B. Conditional uses including but not limited to:

- 1. Agricultural Crop Farming*
- 2. Home Occupation Enterprise*
- 3. Public Service Utilities Utility*
- 4. Public Utilities Utility*

~~Airports~~

~~Cemeteries~~

~~Game Preserves~~

~~Production of livestock products~~

~~Quarrying and mining~~

~~Fish hatcheries~~

~~Parking Lots~~

~~Multi-family rental dwellings~~

~~Planned Unit Developments~~

~~Public Facilities~~

~~Private Recreation Facilities~~

3.10 C - 1 COMMERCIAL DISTRICT/TOWN CENTER

This district is intended to provide for the orderly grouping of retail stores, services and businesses. *This district is intended to be a development cluster with a range of uses and activities commonly found in a small urban area. Typical uses include small retail stores of various kinds, restaurants, offices and businesses of various types. All Permitted and Conditional Uses must conform to the requirements of the Ashland County Shoreland Amendatory Ordinance and the Ashland County Floodplain Zoning Ordinance.*

A. Permitted Uses

1. *Accessory Dwelling (1 only)*
2. *Accessory Dwelling, Rental of Existing*
3. *Accessory Structure*
4. *Automobile Sales Establishment*
5. *Automobile Service and Supply Facilities Facility*
6. ~~Banks~~ *Bank*
7. *Building, Municipal*
8. ~~Business and Professional Offices~~ *Office*
9. ~~Commercial Entertainment Facilities~~ *Facility*
10. *Dwelling, Multiple (maximum of 3 four (4)) Family**
11. *Dwelling, Multiple (maximum of 3 four (4)) Family Rental of*
12. *Dwelling, Single Family (1 only)*
13. *Dwelling, Single Family Rental of*
14. *Educational Facility/School/Museum*
15. ~~Health Care Facilities~~ *Health Care Facility*
16. *Home Business*
17. *Home Occupation Enterprise*
18. *Home Office*
19. *Light Industry*
20. ~~Laundromats~~ *Laundry facility*
21. *Parking Lot*
22. *Religious Facility*
23. ~~Restaurants and Taverns~~ *Restaurant and Tavern*
24. ~~Retail Trade Facilities~~ *Facility*
25. *Road Access*
26. *Road/Driveway Extension*
27. *Transportation Facility*
 - ~~Single Family Dwelling~~
 - ~~Multi Family Dwelling~~
 - ~~Rental of Single Family Dwellings~~
 - ~~One Guest House only is allowed~~

Amended: December 9, 2005; March 20, 2006

B. Conditional Uses ~~including but not limited to:~~

1. *Bed & Breakfast*
2. *Fuel Storage Retail Facility*
3. ~~Hotels, motels, resorts~~ *Hotel, Motel, Resort*

4. ***Land Disturbing Activities***
5. ~~Light industrial establishments~~ ***Industry***
6. ***Lodging Facility (three (3) to eight (8) non-transients)***
7. ***Marina***
8. ~~Public Service~~ ~~Utilities~~ ***Utility***
9. ~~Public~~ ~~Utilities~~ ***Utility***
10. ***Sexually-Oriented Business***
11. ~~Veterinary establishments~~ ***Care Facility***
12. ~~Warehouses~~ ***Warehouse/Storage Facility***
 - ~~—Transportation Facilities~~
 - ~~New and used car establishments~~
 - ~~Contracting and building supplies and services~~

****Required lot size for Multiple Family Dwellings shall be the number of residential units times the Minimum Required Lot Area. Minimum lot width shall be the number of residential units times the Minimum Lot Width for the Zone specified in the Zoning Schedule-Lot Dimensional Requirements.***

Amended March 28 2007

3.11 S - 0 SHORELAND OVERLAY DISTRICT

This district provides for the protection of waters and shorelands, and for safe and orderly shoreland development in the Town of La Pointe. The intent is to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and uses, and to preserve shore cover and natural beauty. The district includes all lands of the township within the following distance from the ordinary high water elevation of navigable water; one thousand (1,000) feet from a lake, pond, or flowage, and three hundred (300) feet from a river or stream or to the landward side of a flood plain whichever distance is greater. ***All Permitted and Conditional Uses must conform to the requirements of the Ashland County Shoreland Amendatory Ordinance and the Ashland County Floodplain Zoning Ordinance.***

A. Permitted Uses

1. Any use permitted in the underlying districts, subject to the ~~shoreland provisions of this Ordinance.~~ ***Ashland County Shoreland Amendatory Ordinance.***
2. Any accessory use permitted in the underlying districts, subject to the ~~shoreland provisions of this Ordinance.~~ ***Ashland County Shoreland Amendatory Ordinance.***
3. ~~Rental of Single Family Dwellings~~
4. ~~One Guest House only is allowed.~~ ***Accessory (1 only) subject to minimum lot size requirements of Ashland County Shoreland Amendatory Ordinance.***

B. Conditional Uses

1. Any conditional use authorized in the underlying districts subject to the ~~shoreland provisions of this Ordinance.~~ ***Ashland County Shoreland Amendatory Ordinance.***
2. ~~Public Service Utilities~~
3. Public Utilities ***Utility***

Amended March 28 2007

3.12 F - 0 FLOOD HAZARD OVERLAY DISTRICT

This district provides for the protection of real property improvements and for safe and orderly shoreland development and rehabilitation in the Town of La Pointe. The intent is to ensure that new development and rehabilitation of existing real property improvements are made with proper regard to still-water, storm set-up and wave run-up elevations. ~~Sheets 1 of 2 and 2 of 2 prepared by Nelson Surveyors and Warzyn Engineering (dated August 17, 1987) which are attached hereto and made a part hereof, indicated two levels of potential inundation. The elevation indicated by the term "FIS 100 year instantaneous maximum" shall be the flood elevation to be enforced by the Ashland County Zoning Department within the Flood Hazard Overlay District which has the following boundary: Lake Superior, the Madeline Island Ferry Terminal Pier, the northernmost Marina breakwater and the centerline of Main Street.~~ ***The flood protection elevation enforced by the Ashland County Zoning Department within the Floodplain Hazard Overlay District shall be the 604.5 plus wave Run-up National Geographic Vertical Datum (NGVD). All Permitted and Conditional Uses must conform to the requirements of the Ashland County Shoreland Amendatory Ordinance, where applicable, and the Ashland County Floodplain Zoning Ordinance.***

A. Permitted Uses

1. Any principal use permitted in the underlying districts, subject to the ~~shoreland provisions of this Ordinance~~ ***Ashland County Shoreland Amendatory Ordinance*** and the Ashland County Floodplain Zoning Ordinance.
2. Any accessory use permitted in the underlying districts subject to the ~~shoreland provisions of this Ordinance~~ ***Ashland County Shoreland Amendatory Ordinance*** and the Ashland County Floodplain Zoning Ordinance.
3. ~~Rental of Single Family Dwelling~~
4. ~~One Guest House only is allowed.~~ ***Accessory Dwelling (1 only) subject to minimum lot size requirements of Ashland County Shoreland Amendatory Ordinance.***

B. Conditional Uses

Any Conditional use authorized in the underlying districts subject to the ~~shoreland provisions of this Ordinance~~ ***Ashland County Shoreland Amendatory Ordinance*** and the Ashland County Floodplain Zoning Ordinance.

~~Public Utilities~~

1. ~~Public Service Utilities~~

Amended March 28 2007

3.13 LZ LIGHT INDUSTRIAL ZONE 1

That the LZ District will contain the land "~~Commencing at a quarter corner common to Sections 20 and 29; thence along a line common to said Sections 20 and 29 S89° 37'01"E 1335.45 feet to the POINT OF BEGINNING; thence N00° 39'21"E 450.23 feet to an iron rod located on the Southerly right-of-way line County Hwy. "H"; thence along said Southerly right-of-way line N64° 55'00"E 2011.97 feet; thence S89° 03'30"E 63.81 feet; thence S00° 40'30" W 93.91 feet; thence S43° 14'49" W 2772.21 feet; thence N00° 39'21"E 811.16 feet to the POINT OF BEGINNING; containing 1,299,510 square feet, which is 29.83 acres, and is subject to any easements of record."~~

~~This district is intended to provide for the orderly grouping of Commercial and Light Industrial businesses on Town-owned property which are generally listed as Conditional Uses in the C-1 (Commercial) Zoning District.~~ ***This district is intended to accommodate a wide array of uses including manufacturing, warehousing, and airport facilities, and the like. All Permitted and Conditional Uses must conform to the requirements of the Ashland County Shoreland Amendatory Ordinance and the Ashland County Floodplain Zoning Ordinance.***

A. Permitted Uses

- 1. Accessory Structure*
- 2. Aircraft/Airplane Hangar*
- 3. Airport*
- 4. Automobile Sales Establishment*
- 5. Automobile Service and Supply Facility*
- 6. Building, Municipal*
- 7. Contracting and Building Storage and Services Service*
- 8. Forest Crop and Products*
- 9. Fuel Storage Facility*
- 10. Junk/Salvage Facility*
- 11. Land Disturbing Activity*
- 12. Light Industrial Establishments Industry*
- 13. Parking Lot*
- 14. Professional Office*
- 15. Public Service Utilities Utility*
- 16. Public Utilities Utility*
- 17. Road/Driveway Access*
- 18. Transportation Facilities Facility*
- 19. Warehouses Warehouse/Storage Facility Fuel Storage*
- 20. Wastewater Treatment Plant*

B. Conditional Uses

~~Conditional Use Permits may be issued in accordance with the process outlined in the Zoning Ordinance.~~

- 1. None.*

3.14 LZ LIGHT INDUSTRIAL ZONE 2

This district is intended to accommodate a wide array of uses including manufacturing, warehousing, and the like. All Permitted and Conditional Uses must conform to the requirements of the Ashland County Shoreland Amendatory Ordinance and the Ashland County Floodplain Zoning Ordinance.

A. Permitted Uses.

- 1. Accessory Structure***
- 2. Automobile Sales Establishment***
- 3. Automobile Service and Supply Facility***
- 4. Building, Municipal***
- 5. Contracting and Building Storage and Service***
- 6. Forest Crop and Products***
- 7. Fuel Storage Facility***
- 8. Junk/Salvage Facility***
- 9. Land Disturbing Activity***
- 10. Laundry Facility***
- 11. Light Industry***
- 12. Parking Lot***
- 13. Professional Office***
- 14. Public Service Utility***
- 15. Public Utility***
- 16. Road/Driveway Access***
- 17. Road/Driveway Extension***
- 18. Transportation Facility***
- 19. Warehouse/Storage Facility***
- 20. Wastewater Treatment Plant***

B. Conditional Uses

None.

3.15 G-I GOVERNMENT AND INSTITUTIONAL DISTRICT

This district includes governmental and institutional uses, some which may occupy a significant land area. Examples include educational facilities, municipal buildings, and hospitals.

A. Permitted Uses

- 1. Accessory Structure***
- 2. Building, Municipal***
- 3. Educational Facility/School/Museum***
- 4. Health Care Facility***
- 5. Land Disturbing Activity***
- 6. Materials Recovery Facility***
- 7. Parking Lot***
- 8. Public Utility***
- 9. Public Service Utility***

- 10. Road Access*
- 11. Road/Driveway Extension*
- 12. Transportation Facility*

B. Conditional Uses

- 1. Cemetery*
- 2. Planned Unit Residential Development*
- 3. Wind Generator, Telecommunication and Radio Tower, Solar Collector
over 35 feet (35') high*

3.16 P-R PUBLIC RESOURCE LAND DISTRICT

This district includes those state lands that are currently operated as a park and those parcels that could be used as a State Park in the future. All permitted and conditional uses must conform to the requirements of the Ashland County Shoreland Amendatory Ordinance and the Ashland County Floodplain Zoning Ordinance.

A. Permitted Uses

- 1. Accessory Structure***
- 2. Agricultural Crops and Products***
- 3. Forest Crops and Products***
- 4. Game Preserve***
- 5. Land Disturbing Activity***
- 6. Road Access***
- 7. Road/Driveway Extension***
- 8. Recreational Trail***

B. Conditional Uses

- 1. Campground***
- 2. Educational Facility/School***
- 3. Parking Lot***
- 4. Public Utility***
- 5. Public Service Utility***
- 6. Recreational Facility***
- 7. Wind Generator, Telecommunication and Radio Tower, Solar Collector over 35 feet (35') high***

3.17 C-V CONSERVANCY DISTRICT

This district is intended to prohibit future development for the most part in order to protect and conserve important environmental resources. All permitted and conditional uses must conform to the requirements of the Ashland County Shoreland Amendatory Ordinance and the Ashland County Floodplain Zoning Ordinance.

A. Permitted Uses

- 1. Agricultural Crops and Products***
- 2. Forest Crops and Products***
- 3. Game Preserve***
- 4. Land Disturbing Activity***
- 5. Recreational Trails***
- 6. Road Access***
- 7. Road/Driveway Extension***

B. Conditional Uses

- 1. Accessory Structure***
- 2. Parking Lot***
- 3. Public Utility***
- 4. Public Service Utility***
- 5. Wind Generator, Telecommunication and Radio Tower, Solar Collector over 35 feet (35') high***

3.18 T-P TOWN PARK OVERLAY DISTRICT

This district includes those Town lands that currently are operated as a park and those parcels that could be used as a Town Park in the future. All permitted and conditional uses must conform to the requirements of the Ashland County Shoreland Amendatory Ordinance and the Ashland County Floodplain Zoning Ordinance.

A. Permitted Uses

- 1. Accessory Structure***
- 2. Agricultural Crops and Products***
- 3. Forest Crops and Products***
- 4. Game Preserve***
- 5. Land Disturbing Activity***
- 6. Public Lake Access***
- 7. Recreational Trails***
- 8. Road Access***
- 9. Road/Driveway Extension***

B. Conditional Uses

- 1. Building, Municipal***
- 2. Campground***
- 3. Educational Facility/School***
- 4. Parking Lot***
- 5. Public Utility***
- 6. Public Service Utility***
- 7. Recreational Facility***
- 8. Wind, Telecommunication and Radio Tower, Solar Collector over 35 feet (35') high***

3.19 M-1 MARINA DISTRICT

This district includes large marinas, whether public or private, where the primary use is related to the storage, mooring, docking, launching, and servicing of boats and the like.

A. Permitted Uses

- 1. Accessory Structure***
- 2. Land Disturbing Activity***
- 3. Marina***
- 4. Parking Lot***
- 5. Professional Office***
- 6. Retail Trade Facility***
- 7. Road Access***
- 8. Road/Driveway Extension***

B. Conditional Uses

- 1. Warehouse/Storage Facility***
- 2. Transportation Facility***
- 3. Fuel storage/retail facility***

3.20 ZONING MAP AND DISTRICT BOUNDARIES

The location and boundaries of these districts are shown on a single map officially designated "Official Zoning Map, Town of La Pointe."

This map, together with all explanatory matter and regulations thereon, is an integral part of this Ordinance. District boundaries are normally lot lines, section and quarter section lines, and center lines of streets, highways, or alleys. Questions regarding exact location of district boundaries shall be decided by the Zoning Administrator. Decisions may be reviewed by the Zoning Board of Appeals as provided in Section 10 of this Ordinance.

The single official copies of the "Official Zoning Map, Town of La Pointe," together with a copy of this Ordinance, shall be kept for public inspection upon request. This map shall be certified by the Chair of the Town Board and attested by the Town Clerk. Any change affecting zoning district boundaries or explanatory matter and regulations shall be made in accordance with provisions of Wisconsin Statutes, ~~Section~~ §60.62.

SECTION 4.0 GENERAL PROVISIONS

4.1 APPLICATION OF REGULATIONS

The use of any land or water, the size, shape and placement of lots, the use, size, height, type and location of structures thereon, and the provisions for open spaces shall be in compliance with the regulation set forth on the "Official Zoning Map, Town of La Pointe" and in the text of this Ordinance.

4.2 STANDARD DISTRICT REQUIREMENTS

A. Yard Requirements

1. No part of the yard or open space required for a given building shall be included as a part of the yard or other space required for another building.
2. Every part of a required yard shall be open to the sky ***and*** unobstructed, except ~~that~~ in commercial areas, ***where*** a permanent awning and its accessory columns or struts may project not more than five feet into a required front or side yard.
3. Open or enclosed fire escapes may project into a required yard not more than five (5) feet and into a required court not more than three and one half (3½) feet, provided it be so located as not to obstruct light or ventilation.

B. Height Exceptions

A chimney ***and/or decorative cupola*** shall be allowed to extend five (5) feet above the thirty-five (35) foot height regulation of this Ordinance and a roof-mounted antenna shall be allowed to extend ten (10) feet above the thirty-five (35) foot height regulation of this Ordinance. ***Wind generators, telecommunication and radio towers and solar collectors may extend beyond the (35) foot height regulation of this Ordinance.*** Chimney and roof mounted antennas shall be erected in accordance with other regulations and Ordinances of the Town. ***Architectural projections such as spires, belfries, parapet walls, domes, chimneys, and cupolas shall not exceed sixty four (64) square feet in floor area, including stairwells, are not higher than eight (8) feet above the adjacent roof ridge, and contain no living quarters. Wind generators, telecommunication and radio towers and solar collectors shall conform to state and federal requirements.***

C. Visual Clearance at Intersections

In each quadrant of every street intersection there shall be designated a vision clearance triangle, bounded by the inner street lines and a line connecting them thirty five (35) feet from their intersection. Within this triangle no object shall be allowed above the height of two and one-half (2½) feet above the streets if it obstructs the view across the triangle. This provision shall not apply to tree

trunks, posts or wire fences.

D. Access Driveways

The maximum number of access driveways to public roads and highways shall not be more than two (2).

E. Lot Sizes

1. After adoption of this Ordinance, ***or amendments thereto***, no lot area shall be so reduced that the dimensional and yard requirements required by this Ordinance cannot be met. Lots existing and of record prior to adoption of this Ordinance, but of substandard size, may be devoted to uses permitted in the district in which located.
2. If two or more substandard lots with continuous frontage have the same ownership as of the effective date of this Ordinance, ***or amendments thereto***, the lots involved shall be considered to be an individual parcel for the purposes of this Ordinance.
3. Lots created after adoption of this Ordinance, ***or amendments thereto***, and which are not served by public sewer systems shall meet minimum area requirements of the Ashland County Sanitary and Private Sewage System Ordinance, the Wisconsin Administrative Code, and this Ordinance.
4. All Land Divisions ***and reconfigurations*** shall and do require a Certified Survey Map. Refer to Technical Memorandum #3 ***Subdivision Ordinance*** ~~Section III and/or Section IV~~

F. *Parcels in Multiple Zoning Districts (See illustration, Section 16.4)*

If a parcel is located in two (2) or more Zoning Districts a property owner may build in any zoning district subject to the other restrictions in this ordinance and subject to the following restrictions:

1. ***Any building, structure, and /or land use is required to meet all district requirements for the zone in which it is located, including setbacks. A Special Exception shall not be granted if setbacks can be met in any other zone.***
2. ***A permitted use is restricted to the zone(s) in which it is explicitly allowed as a permitted use in Section 3 of this Ordinance (if a parcel has three zoning districts and a use is permitted in two, the permitted use will only be granted in those two zones).***
3. ***A conditional use is restricted to the zone(s) in which is explicitly allowed as a conditional use in Section 3 of this Ordinance (if a parcel has three zoning districts and a use is permitted in two, the conditional***

use will only be granted in those two zones).

- 4. In the S-2 Zoning District, the rear setback shall be taken from the right-of-way of the County Highway/Big Bay Road. The front and/or rear setback in the S-1 Zoning District shall be taken from the right-of-way of the County Highway or Town Road on which it is located.*
- 5. If the parcel is nonconforming, it must be a lot of legal record.*

G. Accessory Uses and Structures

~~Any permanent, roofed structure serving as an accessory **not** if attached to the principal building/**dwelling**, shall be considered a part of the principal building. It shall conform to the setback and other dimensional requirements of the district within which it is located. All other accessory structures shall also conform to the setback requirements required of the principal building in the district within which it is located.~~

A detached subordinate structure is one that is clearly incidental to and customarily found in connection with the principal structure or use to which it is related. If attached to the principal building shall be considered part of the principal building. All other accessory structures shall conform to the setback requirements required of the principal building of the district within which it is located. Accessory structures require a land use permit.

Minor Accessory Structures Allowed Without Land Use Permit include but aren't limited to the following:

- 1. Wind Generator, Telecommunication and Radio Tower, Solar Collector under thirty five feet (35') high*
- 2. Satellite Dishes*
- 3. Solar Collectors*
- 4. Pet house not to exceed one hundred and sixty (160) square feet*
- 5. Birdhouses and Birdfeeders*
- 6. Chicken Coops not to exceed one hundred and sixty (160) square feet*
- 7. Tree Houses for children*
- 8. Brick BBQ's*
- 9. Play Equipment*
- 10. Residential Compost Containers*
- 11. Fences under ten (10) feet*
- 12. Ice fishing shacks*
- 13. Small well house covers*
- 14. Warming sheds for school children*
- 15. Hunting blinds*
- 16. Planters and flower boxes*
- 17. Driveway pillars and gates*
- 18. Picnic tables*
- 19. LP storage tanks and fuel oil tanks used for heating*
- 20. Garbage and refuse bins*

No minor accessory structure shall be located in the right of way of any public or private road.

H. Drainage, Sanitation and Water Supply

1. No ~~principal~~ building shall be erected, structurally altered, or relocated on land which is not adequately drained at all times by reason of adverse soil conditions, steep slopes, shallow impermeable bedrock, periodic flooding, or where the lowest floor level is less than four (4) feet above the highest groundwater level.
2. No principal building/***dwelling unit*** intended for human use or occupancy shall be erected, structurally altered, or relocated on a lot, unless provision is made for safe and adequate facilities for water supply and disposal of sewage in accordance with the regulations of the Ashland County Sanitary and Private Sewage System Ordinance and the appropriate requirements of the Wisconsin Administrative Code.
3. The Zoning Administrator shall not hereafter authorize a building to be erected, structurally altered, or relocated which has a private waste disposal system unless the plans for the system have been reviewed in accordance with the provisions of the Ashland County Sanitary and Private Sewage System Ordinance, and a sanitary permit has been issued. Private sewage disposal systems for dwelling units shall meet the location requirements of the Ashland County Sanitary and Private Sewage System Ordinance, and the applicable standards of the Wisconsin Administrative Code.
4. Where connection is not to be made to public water system, no residential use shall be permitted unless provision is made for a safe and adequate supply of drinking water ~~located on the premises, a permit for which has been obtained in accordance with the provisions of the Ashland County Sanitary and Private Sewage System Ordinance.~~
5. Planned Unit ***Residential*** Developments shall be served by sewage facilities that meet the requirements of the Ashland County Sanitary and Private Sewage System Ordinance and the applicable minimum standards of the Wisconsin Administrative Code.

H. Developments in Areas with Poor Soils

~~Where the proposed development lies entirely or partially within areas indicated as having severe soil limitations according to the large-scale soil maps entitled "Soil Limitations for Disposal Fields"; and "Soil Limitations for Low Buildings" the conditional use permit procedure and Section 6.5 shall be followed to ensure that proposed developments will be adequately and safely accommodated by the~~

~~underlying soils. In areas not served by the public sewage system the former map shall be used whereas in areas served by the public sewage system the latter map shall apply. Said maps are on file in the office of the Town Clerk.~~

~~Provisions of the County Sanitary and Private Sewage System Ordinance and the State Administrative Code can and will be met.~~

~~Proposed structural foundations and footings will adequately compensate for any deficiencies in engineering characteristics of the soils for the type of development contemplated.~~

~~Adequate provisions for waterproofing and drain tile around foundations is provided in areas having a high water table.~~

~~In areas with a high water table and/or slopes over ten percent, practices such as terracing, landscaping and retaining walls will be adhered to in order to prevent erosion of topsoil and damage to natural vegetation.~~

I. Construction site maintenance and erosion control

It is the intent of this Section to require erosion control practices that will reduce the amount of sedimentation and other pollutants from leaving project sites during construction or land disturbing activities and entering wetlands, shoreland areas, floodplains, drainage ways, waters of the State, adjacent property, or any public or private roadway.

1. This Section applies to all construction sites and land disturbing activities such as, but not limited to, land disturbing activity prior to excavation for foundation work, installation of driveways, parking areas, earth work on sites not directly related to structural concerns (filling and grading), and development of ponds and channelized water courses. This Section does not apply to the following:

- a. Construction or land disturbing activity regulated by the Wisconsin Department of Commerce Uniform Dwelling Code or Commercial Building Code.***
- b. Nonpoint discharge from agricultural or silviculture land uses including but not limited to the harvesting of crops, growing and tending of gardens, harvesting of trees, and landscaping.***
- c. Maintenance and repair of existing driveways.***

2. Where land disturbing activity is to occur erosion and sediment control practices shall be employed, as necessary, and maintained to prevent or reduce the potential deposition of soil or sediment from leaving the site.

3. *Land disturbing activities, except those activities necessary to implement erosion or sediment control practices, may not begin until the sediment control practices are in place for each area to be disturbed.*
4. *Erosion control devices shall be used where necessary to minimize erosion and sedimentation. Erosion control devices include sedimentation basins, filter fences, straw bales and mulch, tarps, temporary and permanent seeding, sodding and channeling surface water around disturbed areas.*
5. *Monitoring. The owner or owner's agent shall check the erosion and sediment control practices for maintenance needs at all the following intervals until the site is stabilized:*
 - a. *At least weekly.*
 - b. *Within twenty-four (24) hours after a rainfall event of 0.5 inches or greater. A rainfall event shall be considered to be the total amount of rainfall recorded in any continuous twenty-four (24) hour period.*
6. *Site dewatering. Water may not be discharged in a manner that causes erosion of the site, adjacent land, or receiving channels.*
7. *All waste and unused building materials, such as but not limited to garbage, oil, toxic materials, or hazardous materials, shall be properly disposed of and are not allowed to be carried by runoff into a receiving channel or stormwater drainage system.*
8. *All activities on the site shall be conducted in a logical sequence to minimize the area of bare soil exposed at any one time.*
9. *Each site shall have a driveway surface of sufficient width and length to prevent sediment from being tracked onto public or private roadways. Any sediment or mud tracking reaching a public or private road shall be removed before the end of each working day or more frequently if tracking causes a nuisance to the traveling public.*
10. *Re-vegetation shall take place as soon as practicable, upon completion of construction. Re-vegetation involves seeding, sodding or mulching of bare soil as soon as possible. If construction is completed after September 15 of any given year, seeding or sodding may be delayed to the following year. Applying mulch is recommended. Straw bales or filter fences must be maintained until final seeding or sodding is completed in the spring, or no later than June 15 the following year.*

11. Runoff from sites on slopes greater than ten percent (10%) may require additional or different controls. Requirements for such slopes shall be as recommended by the WI Department of Natural Resources.

12. Shoreland filling, grading, lagooning, dredging, ditching or excavation may be permitted only in accordance with State Law and the Ashland County Shoreland Amendatory Ordinance. All permits shall be obtained prior to land disturbing activity.

4.3 SUPPLEMENTARY REGULATIONS

A. Airport Safety Zones

Except for field crops and fences under five (5) feet high, the maximum height of any object located within five hundred (500) feet of either side of the centerline of a landing strip, and extended to a distance of two (2) miles from the end of the runway shall be no higher than one one-hundredth (1/100) of the distance of the object to the landing strip. Refer to the Height Limitation Zoning Map for Madeline Island Airport.

B. Off-Street Parking

Any building hereafter erected, or converted to commercial use, or placed on a lot, or added onto in such way as to increase the square footage of usable floor space, shall provide off-street parking spaces specific to its use and in the manner and number described below.

1. All dwelling units, whether a single family dwelling, condominium, multi-family dwelling, motel or other rental unit shall provide off street parking either on-premises or on adjacent premises in the number and manner described below:

- a. Single Family dwellings shall each provide two (2) off-street parking spaces.
- b. Each rental unit and each unit in a multi-family dwelling, motel, condominium or other shall provide at least ~~one and one-half~~ **two (2)** off-street parking spaces. ~~The total, if a fraction, shall be rounded up to the next whole number.~~

2. ***Loading and Unloading Requirements. Any use that requires deliveries or shipments shall provide sufficient off-street loading and unloading space so that no public street, alley, or access to any parking area is blocked by such activities.***

3. ***The number of off street parking spaces required for non-residential uses are shown in the following table:***

<u>USE</u>	<u>MINIMUM PARKING REQUIRED</u>
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<i>Auditoriums, Theatres, Religious facilities, community Centers, and places of public assembly</i>	<i>one (1) space for every seven (7) seats</i>
<i>Campground</i>	<i>two (2) spaces per campsite</i>
<i>Commercial Entertainment or Recreational Facility</i>	<i>1 space for each 250 square feet of building footprint plus 1 space for every 5,000 square feet of outdoor recreation area</i>
<i>Convenience Store/Grocery</i>	<i>3 spaces for each 1,000 square feet of building footprint</i>
<i>Educational Facility, Elementary/Junior High</i>	<i>1 space per teacher and aid plus 2 space per classroom</i>
<i>Educational Facility, High School/Adult</i>	<i>1 space per teacher, staff member, and aid plus 1 space per 3 students</i>
<i>Health Care Facility</i>	<i>3 spaces for every doctor and 1 space for every 3 employees on the largest work shift</i>
<i>Home Business</i>	<i>2 spaces in addition to residential parking requirements</i>
<i>Home Occupation</i>	<i>1 space in addition to residential parking requirements</i>
<i>Government Building</i>	<i>1 space for each 200 square feet of floor area used by the public</i>

<i>Lodging Facility</i>	<i>One space per bedroom or sleeping unit</i>
<i>Marina</i>	<i>1 space for each 5 slips and/or moorings</i>
<i>Post Office</i>	<i>5 spaces for each 500 square feet of building footprint plus one space for each employee on the largest work shift</i>
<i>Professional Office</i>	<i>1 space for every 250 square feet of building footprint</i>
<i>Recreational Trail, Public</i>	<i>2 spaces at each trail entrance/exit</i>
<i>Restaurant/Tavern</i>	<i>1 space for each one hundred (100) square feet of area used by the public or one (1) space per three (3) seats, whichever is greater, plus one (1) space for every 3 employees on the largest work shift</i>
<i>Retail Trade Facility</i>	<i>1 space for every 200 square feet of building footprint plus 1 space for every 2 employees on the largest work shift</i>
<i>Sexually-Oriented Entertainment Business</i>	<i>one (1) space for every two hundred building footprint plus one (1) space for every two (2) employees on the largest work shift</i>
<i>Veterinarian</i>	<i>2 spaces for every doctor</i>

4. *In the case of structures or uses not mentioned, the provision for a use that is similar shall apply, as determined by the Plan Commission.*
5. *For structures/properties containing more than one use, the required number of spaces shall be computed by adding space required for each use.*

6. Handicap Parking Requirements.

In addition to any other requirements relating to parking spaces contained in this Ordinance, the provisions contained in State Statute Section 101.13, 346.503, and 346.56 and any Wisconsin Administrative Code Sections adopted pursuant thereto are hereby adopted by reference and made applicable to all parking facilities whenever constructed.

7. Landscaping.

All public and private offstreet parking areas which serve four (4) vehicles or more, are located within fifteen (15) feet of any lot line or right of way and are created or redesigned and rebuilt subsequent to the adoption of this Section shall be provided with accessory landscape areas totaling not less than 10% of the surfaced area. The minimum size for each landscaped area shall not be less than 100 square feet.

8. Lighting.

Any lighting used to illuminate off-street parking area shall be directed away from residential properties and public or private streets in such a way as not to create a nuisance.

9. Exceptions.

No off-street parking shall be required for buildings existing in the C-1 District as of (date of enactment of this section), except such off-street parking as is already in existence as of (date of enactment of this Section).

10. Abandonment.

No parking space, or driveway providing access thereto, shall be abandoned, closed, converted to another use, or in any way eliminated from use as a parking space or driveway, unless adequate off-street parking and access are provided to the property in full compliance with the provisions of this Ordinance.

11. The Board of Appeals

The Board of Appeals may, by granting of a variance, relax the regulations of this Section as provided in Section 10.2.N of this Ordinance.

Amended: March 20, 2006

C. Non-Conforming Lots of Record

Any lot that does not meet current dimensional length, width or area requirements of a District as specified in Section 3 of this Ordinance is considered to be "non-conforming." Any lot created and recorded prior to May 26, 1972 or that becomes non-conforming because of a subsequent revision of the dimensional requirements of the Town of La Pointe Zoning Ordinance after

May 26, 1972 or because of the construction of public roadway by the Town of La Pointe or Ashland County, is considered to be “a Lot of Record.”

1. Setback Relief for Non-Conforming Grandfathered Lots of Record
Non-Conforming Lots of Record shall be eligible for relief from the setback requirements specified in Section 3 of this Ordinance in accordance with the following provisions:
 - a Owners of non-conforming lots of record may apply to the Town Plan Commission for a special exception for reduced setbacks excluding height requirements and/or Ashland County setback requirements. The legal standard and the procedure for obtaining a special exception before the Town Plan Commission for reduced setbacks shall be the same as for a conditional use permit as set forth in Section 7 except that the decision will be made by the Town Plan Commission without involvement by the Town Board. Such decision by the Town Plan Commission is appealable to the Board of Zoning Appeals. The considerations in deciding whether or not a special exception will be granted are those set forth in Section 7.
 - b A special exception granted under this Section may reduce normal setbacks by twenty five percent (25%) and in extraordinary cases may reduce setbacks up to fifty percent (50%). However, the twenty-five (25%) reduction in setbacks shall only be exceeded in circumstances where there is no reasonable buildable core within the lot unless the twenty five percent (25%) is exceeded. In considering whether or not there is a reasonable buildable core in the lot the Town Plan Commission shall consider the size of the lot as a whole with a smaller lot justifying a smaller buildable core.
 - c If a special exception for reduced setbacks is granted by the Town Plan Commission the special exception may be conditioned upon a requirement that there be no further buildings, development, or impervious surface on the non-conforming lot. A boundary survey shall be required as a condition. The Town Plan Commission shall also have the discretion to impose a storm water management or other mitigation plan in the case of lots not within the shoreland overlay. For lots within the shoreland overlay the Town Plan Commission shall require a Shoreland Restoration and/or Storm Water Management Plan for review and recommendation by the Ashland County Land & Water Conservation Department. The Town Plan Commission shall also be entitled to impose other conditions reasonably related to the purposes of the Ordinance and the considerations for granting a special exception. A violation of any condition imposed pursuant to this Section shall be enforceable under Section 8.7 of this Ordinance.

- d The filing fee for a special exception shall be the same as for a conditional use.
- e Any property owner of a non-conforming Lot of Record aggrieved by the dimensional requirements of Section 3 of this Ordinance that are not relieved by the *procedures of the above Section* may appeal for a variance to the Zoning Board of Appeals.

2. Alteration of Non-Conforming Lots of Record

Notwithstanding the provisions of Section 4.2.E of this Ordinance, alteration or reconfiguration of a non-conforming lot of record may be permitted subject to the recommendation of the Town Plan Commission and approval by the Town Board of a Certified Survey Map and further subject to the following conditions:

- a. Such alteration of a non-conforming lot of record would need to be approved by the Town Plan Commission.
- b. The newly altered non-conforming lot may not increase the non-conformity, including that insufficient dimensions in newly configured lots may not be further reduced.
- c. If two or more adjacent non-conforming lots are or become titled in such a way that the ownership is exactly the same for both or all such adjoining lots, then such adjoining lots are considered fused for purposes of zoning and may not again be separated except for reasons that would be allowed were they not non-conforming lots of record.

-Amended: June 8, 2009

D. Camping on Private Lands

~~Camping on privately owned land by one camping party including the landowner or by one camping party with the landowner's written permission shall be allowed without issuance of a land use permit, subject to the following restrictions:~~

- 1. ~~The camping units shall not be erected and used within the front, rear or side yard setbacks established for the zoning district in which the property is located.~~
- 2. ~~No camping unit shall be occupied or used as a permanent place of abode, dwelling or business. Continuous occupancy greater than 180 days in any twelve (12) month period shall be presumed to be permanent occupancy for the purposes of this Ordinance.~~
- 3. ~~Sanitary waste disposal shall be provided by either:~~
 - 1. ~~Connection to approved on-site waste disposal system.~~

- ~~2. Self-contained holding tank with disposal at an approved sanitary dump station.~~
- ~~3. A privy as permitted and defined by Chapter Comm 91.12, Wisconsin Department of Commerce~~
- ~~4. A portable restroom as defined by Chapter Comm 91.13, Wisconsin Department of Commerce, subject to the following limitations:~~
 - ~~a. The portable restroom must not be located in the front, rear, or side yard setback and must be at least fifty (50) feet from any frontage road right-of-way.~~
 - ~~b. The portable restroom must be serviced on a regular basis by a licensed septic waste hauler and a copy of the service agreement must be placed on file with the La Pointe Zoning Administrator.~~
 - ~~c. The door to the restroom must be locked when the property owner or authorized camping party leaves the premises for a period of more than two (2) days.~~
 - ~~d. A portable restroom cannot be used for sanitary waste disposal at the site for more than ninety (90) days in any calendar year.~~
- ~~b. The wheels of recreational vehicles, motor homes, travel trailers, or camping trailers shall not be removed (except for repair) nor shall there be any permanent plumbing or electrical connections or foundation.~~
- ~~e. No porches, lean-to's, or additions shall be constructed onto or immediately adjacent to a camping unit. Canvas screen rooms and awnings are allowed.~~
- ~~6. Wooden decks may be provided for camping subject to:~~
 - ~~1. The deck shall not exceed 256 square feet in area~~
 - ~~2. The deck may have railings but not built in benches or tables~~
 - ~~3. The deck shall not have a permanent foundation in the ground~~
- ~~7. Violation of this Ordinance shall result in the immediate termination of any camping activities until the activities are brought into compliance with the provisions of this Ordinance and the property owner shall be subject to a fee as determined by the La Pointe Town Board of Supervisors.~~

1. Temporary Camping

- a. Camping on a lot by one camping party including the landowner or by one temporary party with the landowner's written permission shall be allowed without issuance of a Land Use Permit, subject to the following:***

- *Such temporary camping shall be allowed in all zoning districts, except Wetland Protection (W-P), Light Industrial 1, and Light Industrial 2 (LZ-1 and LZ-2).*
 - *Temporary Camping units shall not be erected and used within the front, rear or side yard setbacks established for the zoning district in which the property is located.*
 - *Temporary Camping shall not exceed fifteen (15) consecutive days nor more than thirty (30) days in any calendar year.*
 - *Not more than one camping unit shall be permitted on a lot.*
 - *Sanitary waste disposal shall be provided by either*
 - *Self-contained holding tank with disposal at an approved sanitary dump station*
 - *A portable toilet with disposal at an approved sanitary dump station*
 - *Permitted connection to an Ashland County approved on-site waste disposal system*
 - *The Temporary Camping unit shall be removed from the property after each temporary camping stay. If a principal building is located on the lot, one temporary camping unit may be stored outdoors. The stored temporary camping unit shall meet all required setbacks and yards. The stored temporary camping unit shall be in an in-transit position with no utility connections, windows and doors closed, and not used for sleeping purposes.*
 - *A temporary camping unit shall not be let or rented.*
- b. Camping on a lot during construction of a single-family dwelling shall be allowed without issuance of a Land Use Permit, subject to the following:*
- *A Land Use Permit for a single-family dwelling has been secured and a slab, crawlspace, or foundation for the single-family dwelling has been installed or is in the process of being installed.*
 - *Sanitary waste disposal shall be provided by either*
 - *Permitted connection to an Ashland County approved on-site waste disposal system.*
 - *Self-contained holding tank with disposal at an approved sanitary dump station.*

- *A portable toilet with disposal at an approved sanitary dump station.*

- *The camping activity shall cease upon the completion of the single family dwelling on the property, or in two (2) years, whichever is lesser.*

2. Long Term Camping Unit

A long-term camping unit shall be allowed subject to the following:

- a. *A camping unit in use for more than fifteen (15) consecutive days and/or more than thirty (30) days in any calendar year shall require a Town Land Use Permit, an Ashland County Building Permit (where applicable), and an Ashland County Sanitary Permit for such activity. Wheels and tires shall remain in the in-transit position.*
- b. *No more than one long-term camping unit shall be allowed on any individual lot.*
- c. *No porches, lean-tos, or additions shall be constructed onto or immediately adjacent to a camping unit. Canvas screens or awnings shall be allowed.*
- d. *A wooden deck may be provided adjacent to a camping unit subject to the following:*
 - *The deck shall not exceed two hundred fifty-six (256) square feet in area.*
 - *The deck may be enclosed by open railings, but shall not have built-in benches or tables.*
 - *The deck shall not have a permanent foundation in the ground.*
 - *Appropriate permits have been obtained (Ashland County where applicable) and Land Use for the Town of La Pointe.*
- e. *A camping unit and deck may only be skirted with lattice; however, solid skirting may be installed immediately adjacent to the tires.*
- f. *No principal dwelling currently exists on the property*

~~g.~~ *Long-term camping unit shall not be let or rented.* Amended: June 5, 2009

4.4 SHORELAND REGULATIONS

A. Setback

For lots that abut ~~on~~ navigable waters the following setback regulations apply:

1. All permanent structures shall be set back seventy-five (75) feet from the ordinary high-water mark of navigable waters. Boathouses shall conform to the Ashland County Shoreland/Wetland Zoning Ordinance.
2. Private sewage disposal systems shall conform to the setback requirements of the "Ashland County Private Sewage System Ordinance" and the applicable rules, regulations and laws as set forth in the Wisconsin Statutes and the Wisconsin Administrative Code.
3. The Ashland County Zoning Administrator *and/or the Ashland County Assistant Zoning Administrator* shall determine the ordinary high water mark where not established.

B. Removal of Shoreline Cover

Cutting of trees and natural shrubbery within a strip paralleling the shoreline and extending thirty-five (35) feet inland *for lots in existence as of the Ashland County Shoreline Ordinance and fifty (50) feet for lots created thereafter* from all points along the ordinary high water mark of the shoreline shall be limited in accordance with the following provisions:

1. No more than thirty percent (30%) of the length of this strip (as measured along the ordinary high water mark) shall be clear-cut to the depth of the strip.
2. Provided further, that cutting of this thirty percent (30%) shall not create a clear cut opening in this strip greater than thirty (30) feet wide for every one hundred (100) feet of shoreline (measured along the ordinary high water mark).
3. In the remaining seventy percent (70%) length of this strip (distance measured along the ordinary high water mark) cutting shall leave sufficient cover to screen cars, dwellings, accessory structures, except boathouses, as seen from the water; to preserve natural beauty and to control erosion.
4. Natural shrubbery shall be preserved as far as practicable.
5. Refer to the Ashland County Shoreland Amendatory Ordinance.

C. Commercial Forestry

Cutting of trees and natural shrubbery within a strip paralleling the shoreline

~~from the mainland edge from the inland edge~~ of the thirty-five (35) foot strip ~~for lots in existence as of the Ashland County Shoreline Ordinance and fifty (50) feet for lots created thereafter~~ to the outer limits of the shoreland, shall be allowed when accomplished under accepted forest management practices. The maintenance and improvement of water quality shall be emphasized in all timber harvesting operations. ~~The purpose of this Order~~ **Standards for this use** will favor long-lived species adapted to the site and will prescribe slash disposal methods necessary for aesthetic value.

D. Filling, grading, lagooning, and dredging

Filling, grading, lagooning, and dredging may be permitted only in accordance with State Law and where protection against erosion, sedimentation, and impairment against fish and aquatic life has been assured. All required permits shall be obtained prior to construction. All shorelands within the corporate limits of Ashland County are subject to Ashland Shoreland Amendatory Ordinance that is incorporated into this Ordinance by reference. The enforcement of the Amendatory Ordinance is the responsibility of the Ashland County Zoning Administrator **and/or the Ashland County Assistant Zoning Administrator.**

~~Amended March 28 2007~~

4.5 FLOODPLAIN REGULATIONS

All lands within the corporate limits of Ashland County are subject to the **current** Ashland County Floodplain Zoning Ordinance ~~adopted April 21, 1981~~ that is hereby incorporated into this Ordinance by reference. Enforcement of the Floodplain Zoning Ordinance and the provisions of the Flood Hazard Overlay District of the Town of La Pointe is the responsibility of the Ashland County Zoning Administrator **and/or the Ashland County Assistant Zoning Administrator.**

SECTION 5.0 SIGNS

5.1 GENERAL PROVISIONS

A. Permit Required

Except as otherwise specifically authorized, no sign shall be located, erected, moved, reconstructed, extended, enlarged, or structurally altered within the Town of La Pointe until a permit has been issued by the Zoning Administrator. No permit shall be issued for a sign not in conformity with the size, type, number, location, and use regulations affecting each zoning district. ~~All signs exceeding four square feet in area shall be subject to review and approval by the Town Plan Commission in accordance with provisions of this Ordinance.~~

B. Exceptions

A permit shall not be required for the following classes of signs:

1. Class A signs:
Official traffic control signs, and informational or directional notice erected by federal, state or local units of government.
2. Class B signs:
On premise real estate signs, residential identification, warning and similar signs not greater than four square feet in area.

C. Prohibited Characteristics of Signs

1. No sign shall resemble, imitate, or approximate the shape, size, form or color of railroad or traffic signs, signals or devices.
2. No sign shall be so located as to interfere with the visibility or effectiveness of any official traffic sign or signal, or with driver vision at an access point or intersection.
3. No sign shall be erected, relocated, or maintained so as to prevent free ingress or egress from any door, window, or fire escape, and no sign shall be attached to a standpipe or fire escape.
4. No sign shall contain any rotating or moving parts, or be illuminated by flashing light.
5. No sign shall exceed the maximum height limitation of the district in which it is located.
6. No sign shall be located in a lot so as to reduce the required ~~rear and side~~ yard requirements of the district in which it is located. The front **and rear** yard setback for a sign located on a lot ~~shall be a minimum of twelve (12)~~

~~feet from the edge of the right of way. This requirement shall pertain to all lots in all zoning districts upon which signs are allowed, except for the C-1 District. The front yard setback in the C-1 District shall remain at the minimum of five (5) feet from the edge of the right of way.~~ ***may be placed at but not in the road right of way of a street or highway provided that it doesn't interfere with the passage of vehicles, pedestrians, or visibility of traffic control signals.***

5.2 CLASSIFICATION OF SIGNS REQUIRING PERMIT

A. Class C Signs

On premise signs that advertise a business activity or service performed on the property.

1. Type 1

Signs advertising a Conditional Use Permit or professional office. Such signs shall not exceed three (3) square feet in area, and if illuminated shall be indirectly lighted. No more than one such sign for each use located on the premises shall be permitted. ***Signs on condo-type businesses: the forty (40) square feet per façade requirement will be applied to the condo, not each business. Example: If there were four (4) businesses in one condo each business would be allowed ten (10) square feet of signage.***

2. Type 2

Signs or bulletin boards for public, charitable, ***home business, home occupation***, or religious institutions. Such signs shall not exceed twelve (12) square feet in area, and no more than one such sign for each street upon which the property faces shall be permitted. Such signs may be placed at the right-of-way of the street or highway.

3. Type 3

Signs advertising a business activity or a service available in a commercial area. Such signs shall not exceed forty (40) square feet in area when non-lighted, and if illuminated shall not exceed twenty (20) square feet in area. Not more than one such sign may be attached to a building facade, and no sign may project more than four (4) feet beyond a building when attached thereto, or be higher than the roofline. Freestanding signs shall not exceed fifteen (15) feet in height from the ground. ***Signs on condo-type businesses: the forty (40) square feet per façade requirement will be applied to the condo, not each business. Example: If there were four (4) businesses in one condo each business would be allowed ten (10) square feet of signage.*** Type 4 Signs advertising a resort or recreational business activity or product available. Such signs shall not exceed twenty (20) square feet in area ~~and no more than one such sign for each highway (street) upon which the property faces shall be permitted.~~

B. Class D Signs

Signs or billboards that advertise a general brand of product ~~shall be prohibited~~.

C. Class E Signs

Off premise directory signs in the specific interest of the traveling public that advertise a business activity, area of interest or a service available at a specific location within twelve (12) air miles of the premises on which it is located.

5.3 CLASSES AND TYPE OF SIGNS PERMITTED IN ZONING DISTRICTS

<u>Class and Type of Sign</u>	<u>Zoning District</u>
Class A Signs:	All, except W-P District
Class B Signs:	All, except W-P District
Class C Signs:	Type 1: W-1, W-2, S-1, S-2, C-1, R-1, R-2, R-3, G-I, P-R, C-V, T-P, M Type 2: W-1, W-2, S-1, C-1 C-V, G-I, LZ-1, LZ-2 Type 3: C-1, LZ-1, LZ-2, M-1 Type 4: W-1, W-2, S-1, C-1, T-P, P-R, LZ-1, L-Z-2
Class D Signs:	Prohibited
Class E Signs:	Prohibited

5.4 NON-CONFORMANCE

Signs lawfully existing before the date of enactment *or amendment* of this Ordinance may be continued although the use, size, or location does not conform to the provision of this Ordinance. ~~However,~~ **Permits** shall be obtained for all signs erected before such date, and such signs shall be deemed a non-conforming use or structure, and the provision of Section 5 9 shall apply.

~~All non-conforming signs, of all types not exempted by the definition thereof, shall be removed and made to conform to the provisions of this Ordinance within a period of two (2) years after the adoption of this Ordinance and the mailing of a notice by the Zoning Administrator instructing such removal.~~ **However, permits shall be obtained and district requirements met if the use, size, or location of the sign changes.**

SECTION 6.0 REGULATION OF SPECIAL USES

6.1 GENERAL PROVISIONS FOR SPECIAL USES REQUIRING A CONDITIONAL USE PERMIT

Except as needed to, or altered hereafter in this Section, the procedures and requirements of Section 7 governing conditional uses shall apply.

A. QUARRIES (GRAVEL PITS) AND MINES Non-Metallic Mining

1. Application Required

~~An Application requesting Town Plan Commission approval of a proposed quarrying activity shall be accompanied by:~~

~~A. A description of all phases of the contemplated operation including types of machinery and equipment that will or might be used to carry on the operation. Where the operation is to include sand and gravel washing, the estimated daily quantity of water required, its source and its disposition shall be identified.~~

~~B. A legal description of the proposed site.~~

~~C. A topographic map (at a minimum contour interval of five feet) of the proposed site and the area extending beyond the site to a minimum distance of 300 feet on all sides.~~

2. Consideration of Compatibility

~~In interviewing a proposal for a quarrying activity, the Town Plan Commission shall take into consideration:~~

~~A. The effect of the proposed operation on drainage and water supply, particularly in connection with sand and gravel washing.~~

~~B. The possibility of soil erosion as a result of the proposed operation.~~

~~C. The most suitable land use for the area.~~

3. Restoration Plan and Financial Guarantee Required

~~No permit to carry on a quarrying operation shall be given until the Town Plan Commission approves a restoration plan and the owner agrees to restore the quarried area to a condition of practical usefulness and reasonable physical attractiveness as soon as possible after the quarrying activities have ceased. The owner shall provide sufficient financial guarantee to secure the performance of the restoration agreement. The agreement and financial guarantee shall be in a form approved by the Town Attorney.~~

4. Conditions for Approval

~~The Town Plan Commission may set forth conditions regarding appropriate setback and other dimensional requirements to avoid nuisance~~

~~effects on surrounding residential uses. Suitable fencing and landscaping may be required.~~

5. Duration of Conditional Use Permit

~~The initial permit to carry on a quarrying operation shall not be effective for more than five years. Authorization may be extended for additional three-year periods, subject to conditions specified by the Town Plan Commission.~~

6. Existing Quarry Operations

- ~~A. Within 60 days after the effective date of this Ordinance, the owners of all existing quarrying operations shall submit to the Town Plan Commission the names of the quarry owners and operators and information regarding its operation.~~
- ~~B. Within one year after adoption of this Ordinance, the owners shall submit to the Town Plan Commission a plan for restoration of the quarrying site in accordance with subSection (3) of this Section. The restoration plan shall not impose requirements that are unreasonable from an economic or engineering standpoint with respect to conditions resulting from operations prior to enactment of this Ordinance.~~
- ~~A. Within three years after the effective date of this Ordinance any such existing operation shall be subject to the provisions of subSections 4, 5, and 6 of this Section.~~

Non-Metallic mines are regulated by the Ashland County Non-Metallic Mining Reclamation Ordinance and are allowed as conditional uses in zones specified in Section 3.

B. Junk/Salvage Yards

No junk/salvage yard shall be permitted in the Town of La Pointe except in conformance with the standards, rules and regulations of the Wisconsin Administrative Code, and the requirements herein specified.

1. All junk/salvage yards ***outside the LZ-1 Zone*** shall have a minimum front, side and rear yards of two hundred (200) feet.
2. Junk/salvage yards shall be screened so that the salvage materials are not visible from other property in the vicinity, nor from a public right-of-way such as roads, streets, highways and waterways.
3. ***Junk/salvage yards may be a permitted use in LZ-1. Setback for the junk/salvage yard shall be as listed in Section 16.1 Dimensional Requirements.***

C. Garbage And Refuse Disposal Sites

No garbage or refuse disposal sites shall be permitted in the Town of La Pointe

except in conformance with the rules and regulations of the Wisconsin Administrative Code.

D. Planned Unit Residential Developments

1. Planned Unit Residential Developments consisting exclusively of single-family dwelling units are permitted as conditional uses. Planned Unit **Residential** Developments will be allowed within the interior physical boundaries of the roads that circle the Island starting at the beginning of North Shore Road to School house Road to Big Bay Road to Black Shanty Road to Middle Road to South Shore Road to Old Fort Road to Main Street to Big Bay Road and to North Shore thus completing the loop. Refer to Map on file in Town Hall. For additional information refer to Technical Memorandum #3: Subdivision ~~Regulations~~ **Ordinance**.
2. A successful applicant for a Conditional Use Permit for a Planned Unit **Residential** Development may be allowed to modify the lot size, setback and yard requirements of the districts in which the project is located. All other district requirements shall be complied with as well as any fire, building, plumbing or electrical codes and applicable subdivision regulations.
3. The overall density of a Planned Unit Residential Development **is** defined as the number of living units per acre shall not exceed the districts regulations for the district in which it is to be developed.
4. A Planned Unit Residential Development may include closely related commercial uses intended to serve only the needs of the proposed development.
5. An application for a Conditional Use Permit shall be submitted in accordance with Section 7 and shall contain the information required under Section 8.0 7 of this Ordinance and ~~Section VII (F) of the Town Subdivision Ordinance~~ (Technical Memorandum #3 **Subdivision Ordinance**).

6.6 MOBILE HOME PARK

~~Mobile home parks are permitted as conditional uses in the districts specified in Section 3.0 of this Ordinance. mThe minimum size of a mobile home park shall be 10 acres The maximum number of mobile homes shall be ten per acre It shall conform to the requirements of the Wisconsin Administrative Code Two (2) parking spaces shall be provided for each mobile home site Minimum dimensions of a mobile home site shall be 50 feet wide by 85 feet long There shall be a minimum yard setback of 40 feet at all exterior boundary lines of the mobile home park~~

E. Travel Trailer Parks & Campgrounds

~~Travel trailer parks and campgrounds may be permitted as conditional uses in the districts specified in Section 3 of this Ordinance.~~ ***Travel Trailer Parks and Campgrounds are only permitted as conditional uses in the districts which specifically allow them in Section 3 of this ordinance.***

1. The minimum size of a travel trailer park or campground shall be five (5) acres.
2. The maximum number of travel trailers or campsites shall be fifteen (15) per acre.
3. Minimum dimensions of a travel trailer site or campsite shall be twenty-five (25) feet wide by forty (40) feet long.
4. No travel trailer or campsite shall be occupied for a period of more than thirty (30) consecutive days.
5. Each travel trailer site or campsite shall be separated from other travel trailer spaces or campsites by a yard not less than fifteen (15) feet wide.
6. Two (2) parking spaces shall be provided per site.
7. There shall be a minimum yard setback of forty (40) feet at all lot lines of a travel trailer park or campground.
8. It shall conform to the requirements of the Wisconsin Administrative Code.
- ~~9. The screening provisions for mobile home parks shall be met.~~
9. ***Unless adequately screened by existing vegetative cover it shall be screened by a temporary planting of fast growing material, capable of reaching a height of fifteen (15) feet or more. The individual trees to be such a number and so arranged that within ten (10) years they will have formed a screen equivalent in opacity to a solid fence or wall. Such permanent planting shall be grown or maintained to a height of not less than fifteen (15) feet.***

E. Lodging Facilities

The purpose of this Section is to establish minimum standards to preserve and promote compatible development, esthetics, stability of property values, and to fix the responsibility of owners, operators, and occupants to provide a suitable environment for safe, healthy, and desirable living conditions.

1. ***Lodging Facilities may be permitted as outlined in Section 3 of this Ordinance in accordance with Section 7 and the following provisions:***

- a. *Annual building inspection and Lodging Permit are required.*
- b. *Adequate sanitation shall service the building or buildings in accordance with Section 4.2.H of this Ordinance and applicable State, County, and/or municipal regulations.*
- c. *Minimum Requirements for lodging facilities.*
 - *Every dwelling unit shall contain at least one hundred fifty (150) square feet of floor area for the first occupant thereof and at least one hundred (100) additional square feet of floor area for every additional occupant thereof, the floor area to be calculated on the basis of total habitable room floor area. In every dwelling unit of two or more rooms, every room occupied for sleeping purposes by one occupant shall contain at least seventy (70) square feet of habitable floor area and every room occupied for sleeping purposes by more than one occupant shall contain at least fifty (50) square feet of habitable floor area for each occupant thereof.*
 - *No dwelling unit containing two or more sleeping rooms shall have such room arrangement that access to a bathroom or water closet compartment intended for use by occupants of more than one sleeping room can be had only by going through another sleeping room; nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room or a bathroom or water closet compartment. One bathroom/water closet compartment is required for every four (4) occupants.*
 - *In all dwelling units the average ceiling height shall be not less than seven feet six inches (7'6") and the minimum ceiling height shall be not less than seven feet zero inches (7') in the entire first floor area. The minimum ceiling height shall be seven feet six inches (7'6") for all floor areas above the first floor except under sloping roofs where the minimum shall be seven feet six inches (7'6") for not less than fifty percent (50%) of the floor area, and that portion of the floor area under the sloping roof having a ceiling height of less than five (5) feet shall not be considered as part of the floor area in computing the maximum permissible occupancy thereof.*
 - *No habitable room shall have its floor level below the alley, court, yard or street grade immediately adjoining or abutting*

upon said habitable room except that it may be permitted when constructed to comply with the building code.

- *Every lodging facility shall have a kitchen. A kitchen means any room or area that has provisions for a sink, stove, refrigerator, cabinets, and shelves for storage of food, equipment and utensils, and a counter or table for food preparation.*
- d. *Off-street parking in accordance with Section 4.3.B of this Ordinance shall be provided.*
- e. *There shall be no accumulation of garbage, refuse, junk, or waste including boxes, scrap lumber, scrap metal, appliances, or motor vehicles in non-working condition. Garbage, refuse, and waste shall be stored and disposed of in a clean and safe manner.*
- f. *Lodging houses shall not be the location of any condition that causes a nuisance. Persons housed, and their guests, shall respect the privacy of surrounding properties.*
- g. *Vegetative screening and/or fencing may be required to accomplish a visual and sound buffer with neighboring properties.*
- h. *No floodlights or spotlights shall be allowed.*
- i. *Windows and doors shall be closed and secured when the building is not occupied.*
- j. *All premises are to be supervised by the owner/operator or authorized agent.*
- k. *No camping unit may be converted or used as a lodging facility.*

2. Annual Inspection and Lodging Permit

- a. *The Town of La Pointe designated Building Inspector shall inspect the premises no later than May 1st of each year and with at least twenty-four (24) hours' notice to the owner, operator and/or authorized agent shall be granted entrance to any locked premises.*
- b. *Following the inspection and based upon applicable building codes the designated Building Inspector shall advise the Zoning Administrator in writing whether the annual Lodging Permit should be granted.*

- c. *If the designated Building Inspector's report recommends approval the Zoning Administrator may issue the Lodging Permit within two (2) weeks of receipt of the report if the property is also in compliance with its Conditional Use Permit.*
 - d. *If the designated Building Inspector's report recommends denial, the basis for such decision shall be provided. The Zoning Administrator shall notify the owner of the lodging facility by first class mail within five (5) days of receipt of the report recommending denial including the basis for such decision. The Zoning Administrator shall not issue any lodging permit contrary to the recommendation of the designated Building Inspector. The owner, operator and/or designated agent shall not occupy or let to another for occupancy any space in a lodging facility unless it possesses a current lodging permit, complies with the requirements of applicable building codes, and occupancy is limited to the maximum permitted by the building code.*
 - e. *Non-occupancy for reason of non-compliance with this section for a period of twelve (12) months may render the Conditional Use Permit void in accordance with Section 7.2.J of this Ordinance.*
3. *Existing lodging facilities operating at the time of amendment to this Ordinance may be allowed to continue. However, to further the purpose of this Section any lodging facility not in compliance with the following provisions shall constitute a nuisance and will not be allowed to continue:*
- a. *Within six (6) months of amendment of this Ordinance the owner must prove the legality of the nonconforming use by the greater weight of credible evidence. The original nonconforming use shall not in its lifetime have been added to, expanded, changed, or discontinued for a period of twelve (12) months.*
 - b. *The lodging facility and its premises shall comply with annual inspection and permitting requirements.*
4. *In any case where a provision of this Section or of any regulation adopted pursuant thereto is found to be in conflict with a provision of any building, fire, safety, or health code or ordinance, the provision that established the higher standard for the promotion of health and safety of the public shall prevail.*
5. *Complaints shall be filed in accordance with Section 15 of this Ordinance. Retaliatory eviction for reporting alleged violations of this Section or the Conditional Use Permit is prohibited and will be interpreted as a violation of the Conditional Use Permit. Retaliatory eviction shall be construed as to mean eviction occurring within a period of one month following receipt of a complaint*

or within one month following affirmative action by the Town to secure compliance with this Ordinance.

- 6. The decision of any inspector's findings may be appealed to the regulating governing body.*
- 7. Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or resists the enforcement of any provision of this Section may be found in violation in accordance with Section 8.7 of this Ordinance. All clauses in rental agreements contrary to the expressed provisions of this Section and any Conditional Use Permit issued to the property are prohibited and will be interpreted as a violation of the Conditional Use Permit and of this Section of the Ordinance."*

6.2 REGULATION OF SPECIAL USES REQUIRING A LAND USE PERMIT

A. Accessory Dwellings

No Accessory Dwelling on the same lot as the principal dwelling shall be used as an independent dwelling (except by guests, security personnel, caretakers, or other domestic employees whose employment is directly related to the function of the principal dwelling) or as a rental, providing that all other applicable sections of this Ordinance are satisfied. An accessory dwelling may have separate sleeping and/or cooking facilities provided it meets the specific provisions of the zoning district in which it is located. Accessory Dwellings shall have adequate sanitary facilities.

- 1. A single-family dwelling must exist on the site proposed for the location of the accessory dwelling or be constructed thereon in conjunction with the accessory dwelling.*
- 2. Only one accessory dwelling shall be allowed per parcel.*
- 3. If no principal or accessory use is discernable for residential dwellings existing at the time of amendment to this Ordinance, the dwelling with the lesser square footage shall be considered the accessory dwelling for purposes of this Ordinance.*
- 4. A principal dwelling may be converted to an accessory dwelling, but a Land Use Permit is required for that conversion and the new principal dwelling and the new accessory dwelling must comply with all requirements of this Section 6.2 and the balance of this Zoning Ordinance.*

B. Rental of Principal Single Family Dwellings

Rental of a principal single family dwelling shall be a permitted use in zoning districts specified in Section 3 of this Ordinance only in accordance with the

following provisions:

- 1. A Land Use Permit is required for the long or short-term rental of a principal single-family dwelling. Permit expiration is May 15 each calendar year. Annual permit renewal is required.*
- 2. Off-street parking in accordance with Section 4.3 shall be provided.*
- 3. Adequate sanitation shall service the dwelling in accordance with Section 4.2.H of this Ordinance and applicable state and county regulations.*
- 4. Safe and sanitary removal and disposal of all refuse and garbage shall be provided.*
- 5. The rental of a principal single-family dwelling shall not result in excessive noise, traffic, and/or parking congestion. Renters shall respect the privacy of surrounding properties including private docks and beaches.*
- 6. Short-term rentals must obtain licensure and inspection through the Ashland County Health Department.*
- 7. Where the Zoning Administrator reasonably believes a rental does not continue in conformity with the requirements of this Section, the Zoning Administrator will notify the property owner and/or authorized agent. Upon receipt of such notification, the property owner shall abate such action or inaction so as to comply with this Ordinance as soon as reasonably possible under the circumstances. It shall be arguably presumed this Section can be complied with immediately. The Zoning Administrator shall thereafter forward the matter to the Town Board for action thereon according to Section 8.1.C.3 including but not limited to revocation of the Land Use Permit for rental of a principal and/or single-family dwelling.*
- 8. Where a written complaint regarding a rental property is received by the Zoning Administrator the procedure set forth in Section 15 shall apply.*

C. Rental of Accessory Dwellings

For the purpose of increasing the availability of rental opportunities and residential housing within the Town of La Pointe, this authorizes the rental of accessory dwellings on lots improved with a principal single-family dwelling. To ensure such use is compatible with areas zoned for residential use, rental is permitted only pursuant to the requirements of this Section.

- 1. All requirements for the rental of a Principal Single Family Dwelling*

shall be met.

2. *Short term rental of an accessory dwelling independent from the principal single family dwelling may be permitted in the C-1 and R-3 Zoning Districts.*
 - a. *The principal dwelling shall be owner occupied at the time of rental.*
 - b. *In all other zoning districts except W-P short term rental of an accessory dwelling may be permitted only in conjunction with the rental of the principal single family dwelling to the same rental party.*
3. *Long term rental of an accessory dwelling may be permitted in all zoning districts except the W-P, LZ-1, and LZ-2 Districts. The principal dwelling may not be actively rented short or long term concurrently.*

6.8 6.2 a. RENTAL OF SINGLE FAMILY DWELLINGS

~~Rental of Single Family Dwellings shall be a permitted use in all zoning districts except the W-P Wetland Protection District~~

~~Land use permits will be required for Rental of Single Family Dwellings and will be issued by the Zoning Administrator upon application by the owner accompanied by the necessary fees.~~

~~There are no requirements for issuance of a Land Use Permit for Rental of Single Family Dwellings other than those specified in this Section.~~

~~Permit holders for Rental of Single Family Dwellings must provide adequate off-street parking in accordance with Section 4.3(2). Rental of Single Family Dwellings Land Use Permits can be revoked at any time under the procedure set forth in Section 15.0.~~

~~A Single Family Dwelling shall mean a building or structure designed or constructed to be occupied by a single family for purposes of human habitation.~~

6.9 6.3 LIGHT INDUSTRIAL ZONE

~~A. The Industrial Zone shall be an exclusive permitted use area that is located near the Airport and Town Maintenance buildings.~~

~~B. The minimum size of the Industrial Zone will consist of twenty-nine point eight three (29.83) acres.~~

~~C. All buildings will be required to meet normal commercial setback requirements (i.e. in five (5) ft. front ten (10) ft side ten (10) ft rear) and/or as required by other government standards.~~

~~D. Minimum dimensions of the lots will be fifty (50) feet wide by eighty-five (85) feet long.~~

- ~~E. More than one lot can be combined to form the entire area used by the lessee.~~
- ~~F. Each business will provide adequate on-site parking for its customers and employees.~~
- ~~G. Lease payments will be made to the Town of La Pointe.~~
- ~~H. The La Pointe Town Board will reserve the right to decline applications if the business does not meet the scope of this *of the* planned development.~~
- ~~I. The Town of La Pointe will offer electrical power to the site. (Not connected to buildings.)~~
- ~~J. Regulations for holding tanks and well water *under current laws* shall be complied with under current laws (Lot size has to be at least thirty thousand (30,000) sq. ft., that is *or* approximately seven (7) lots combined).~~
- ~~K. All lots shall conform to the requirements of the Wisconsin Administrative Code.~~
- ~~L. There shall be a signed lease agreement between the Town of La Pointe and the applicant on file before issuance of a permit.~~

A. Light Industrial Zone 1

This Light Industrial Zone shall be an exclusive permitted use area located near the airport and Town Maintenance Buildings. Each business will provide adequate off street parking for its customers, employees, and if applicable adequate off-street loading and unloading space. All lots and buildings shall comply with the Wisconsin Administrative Code.

- 1. There shall be a signed lease agreement between the Town of La Pointe and the Applicant before issuance of a land use permit.*
- 2. Lease payments shall be made to the Town of La Pointe.*
- 3. The La Pointe Town Plan Commission reserves the right to decline applications if the business does not meet the scope of this planned development.*
- 4. Minimum dimensions of lots will be fifty (50) feet wide by eighty-five (85) feet long. More than one lot may be combined to form the entire area used by the lessee.*
- 5. The Town of La Pointe will offer electrical power to the site.*

B. Light Industrial Zone 2

This Light Industrial Zone shall be an exclusive permitted use area. Each business will provide adequate off street parking for its customers, employees, and if applicable adequate off-street loading and unloading space. All lots and buildings shall comply with the Wisconsin Administrative Code.

1. *The La Pointe Town Plan Commission reserves the right to decline applications if the business is not listed as a permitted use in the district.*
2. *Minimum lot area is 1 acre. Minimum lot width requirement is one hundred fifty (150) ft.*

6.10 6.4 USE OF RESIDENTIAL DWELLINGS AND PROPERTY FOR OCCUPATIONAL OR BUSINESS USES

- A. A Home Office/Studio is an authorized use without a permit in all districts except WP that meet the following criteria:
 1. All activities must be conducted entirely within the primary residential dwelling and carried out only by persons residing therein and no others.
 2. There shall be no retail, wholesale or other business activities that require visits from the public.
 3. There shall be no storage of goods, products, inventories of raw materials, animals or vehicles or equipment dedicated to the enterprise stored or used outside of the primary residential dwelling.
 4. There shall be no use of machinery, tools, or appliances that make excessive noise, dust, odors, or exhaust.
 5. There shall be no on or off-premises advertising signs.
 6. The area dedicated to this use shall not exceed twenty-five percent (25%) of the area of the dwelling.
- B. A Home Occupation Enterprise is an authorized use with a permit issued by the Zoning Administrator in all districts ~~except WP~~ that meet the following criteria *specified in Section 3*:
 1. All activities at the site must be conducted entirely within the primary residential dwelling or in an accessory building not larger than twenty five percent (25%) of the primary dwelling.
 2. Business activities may be carried out by persons residing in the dwelling or by no more than one other person employed by the resident(s) of the dwelling.
 3. There shall be no retail or wholesale of products or displays of products except for those products or services that are actually produced at the site.

4. There shall be no outdoor storage or display of products, materials, equipment, or machinery except that there may be one vehicle bearing the business insignia and one trailer used in conjunction with the enterprise stored outside provided they are screened from the ~~rights-of-way~~ **right-of-way** and neighboring properties. Any such vehicle or trailer must be licensed, operable, and routinely used in the course of the activities of the enterprise.
 5. One off-street parking spot will be provided for an employee or visitors.
 6. Only one on-premises advertising sign, not illuminated and not to exceed ~~four (4)~~ **twelve (12)** square feet in area, shall be permitted. The sign may be located in the lot setback, **but not the right of way**, provided it does not interfere with passage or obstruct the view of vehicles or pedestrians.
 7. No machinery, tools, or appliances shall be used that cause excessive noise, dust, odors, or exhaust.
 8. Sanitary facilities shall be provided in accordance with county and state requirements.
 9. A Conditional Use Permit is required for any exception to these requirements.
- C. A Home Business is an authorized use with a permit issued by the Zoning Administrator upon approval by the ~~Zoning and Planning~~ **Town Plan** Commission in all districts ~~except WP, R-1, R-2, R-3, and S-2 that meet the following criteria~~ **specified in Section 3:**
1. The Home Business may occupy twenty five percent (25%) of the dwelling and/or an accessory building.
 2. The Home Business may employ up to five (5) employees who may work on or off the site.
 3. No retail or wholesale products may be sold on the site except those products and services that are actually produced on the site.
 4. There shall be no outdoor display of products.
 5. Only one on-premises advertising sign, not illuminated and not to exceed twelve (12) square feet in area, shall be permitted. The sign may be located in the lot setback, **but not in the right of way**, provided it does not interfere with the passage of vehicles or pedestrians.

6. Activities shall not include any machinery, tools, appliances, or equipment that make excessive noise, dust, odors, or exhaust nor shall it include any vehicle or heavy machinery repair or spray painting services.
7. Outdoor storage of products, materials, equipment, or machinery is permitted if the storage areas are fenced, vegetative screened, or provided with a landscape buffer of trees so that the storage is not visible from rights-of-way or neighboring properties.
8. Licensed and operable vehicles and trailers related to the business activity may be parked or stored on-site provided no more than one such vehicle and trailer is visible from the ~~rights-of-ways~~ **right-of-way** or neighboring property.
9. Off-street parking must be provided for all employees and visitors, *per Section 4.3.B.*
10. Sanitary facilities shall be provided in accordance with county and state requirements
11. A Conditional Use Permit is required for any exception to these requirements.

Amended June 3, 2009

6.5 SEXUALLY-ORIENTED BUSINESSES

A. Findings and Purpose

The Town Board finds that the unregulated location and operation of sexually-oriented businesses, as defined in Section 2 Definitions, in the Town of La Pointe may have significant adverse impacts upon the areas surrounding them, including contributing to the deterioration of nearby residential neighborhoods and impairing the values of nearby residential housing; adversely influencing children frequenting nearby facilities such as schools, churches, recreational facilities and parks, and the Town's main shopping area; increasing the risk of illegal activities in the vicinity of such businesses, thereby increasing demands upon the Town's law enforcement personnel; and adversely affecting the Town's tourism economy in that the location of such businesses in the Town's main business area would be detrimental to its distinctive charm, upon which its tourism economy is based. The purpose of this article is to protect the health, safety, and welfare of the Town and its citizens by minimizing such adverse impacts upon nearby lands and land uses.

The Town of La Pointe is an island community in Lake Superior, approximately two miles from the City of Bayfield. The island's economy is heavily dependent upon summer tourism and summer property owning residents. Both tourists and residents enjoy the outdoors and engage in a

number of healthy family-oriented recreational activities. Any sexually oriented business is likely to discourage tourist trade and recreational business, and adversely affect property values.

B. Zoning District Limitations

Sexually-oriented businesses may be operated or maintained only within the C-1 Zoning District.

C. Distance limitations

No sexually-oriented businesses shall be operated or maintained:

- 1. Within five hundred (500) feet of the boundary of any Residential District (R-1, R-2, R-3, W-1, W-2, S-1, S-2)*
- 2. Within five hundred (500) feet of a church, public recreational facility or park, licensed daycare facility, public library, public or private school or educational facility serving persons under 18 years of age.*

D. Operating Standards

All sexually-oriented businesses shall operate in accordance with the following:

- 1. No employee shall solicit business outside the building in which the business is located*
- 2. No person, while on the premises, shall expose to public view his or her genitals, pubic area, anus, or anal cleft.*
- 3. No person on the premises shall engage in sexual conduct, sadomasochistic abuse, or fondle his or her genitals.*
- 4. There shall be no sexual activity prohibited by federal, state, or local law.*
- 5. There shall be no sale or consumption of alcohol on any premises conducting a sexually oriented business.*

E. If any portion of this ordinance is found to be unconstitutional for any reason, that portion of the ordinance shall be considered to be severed from it and the remaining portions of the ordinance will remain in full force and effect.

SECTION 7.0 CONDITIONAL USES

7.1 PURPOSE

- A. One of the purposes of this Ordinance is to divide the Town of La Pointe into districts within which the use of land and buildings, and the bulk and location of buildings in relation to the land are mutually compatible, and substantially uniform. Generally, two categories of land uses are allowed in each zoning district: permitted uses and conditional uses. A permitted use is allowed as a matter of right in all locations in a district as allowed in Section 3 of this Zoning Ordinance.
- B. In designated conditional uses, the Town, by ordinance, has determined that such uses are not suited to all locations in a zoning district but may be authorized if adaptable to the limitations of a particular site and adjacent land uses. In short, they must be custom tailored to a specific location. Conditional uses are limited to those listed in Section 3 of this Ordinance for each zoning district. They may include uses of land (e.g. a public safety facility in a residentially zoned area) and specific construction activities (e.g. filling and grading in excess of ten thousand (10,000) square feet adjacent to water bodies).

There are certain uses that may be entirely appropriate and not necessarily incompatible with the basic use permitted in any district, but not at every or any location therein or without restrictions or conditions being imposed by reason of unique problems the use of its particular location presents from a zoning standpoint, including the impact of those uses upon neighboring land, and the public need for the particular use at a particular location. Such uses may be necessary or desirable to be allowed in a particular district provided that due consideration is given to their location, development, and operation. The decision to grant or deny a Conditional Use Permit (CUP) is discretionary (i.e., a permit may be denied if the project cannot be tailored to a site without significant harm to ordinance objectives).

The Town Plan Commission ~~and Town Board~~ may determine that there are no conditions that would allow a use in a specific location. General performance standards and specific design standards for approval are provided in the following Section 7.1 C. An applicant must demonstrate that the proposed project complies with each of the standards. The Town Plan Commission ~~may recommend and/or the Town Board~~ may impose additional limitations (conditions) on development consistent with standards for approval and ordinance objectives and may require an applicant to develop a project plan to accomplish specific performance standards (e.g., develop an erosion control plan that contains all sediment on the site). The procedure to be followed for application, review and approval are set forth herein.

- C. Standards for approval. When applying the standards of this Section the Town Plan Commission ~~and the Town Board~~ shall bear in mind the statement of purpose for the zoning district such that the proposed conditional use at its location does not defeat the purposes and objective of the zoning district. Town Plan Commission ~~and Town Board~~ shall consider the overall effect of such grant of Conditional Use on the health, general welfare, safety, and economic prosperity of the town and the immediate area in which such use would be located, including the following, without limitation because of specific enumeration:
1. Established character and quality of the area. The uses, values, and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance, or operation of the conditional use. The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
 2. Its physical appearance and compatibility with the use of adjacent land.
 3. Existing topography.
 4. Drainage features. Adequate measures have been or will be taken to provide drainage and other necessary site improvements.
 5. Erosion potential of the site based upon degree and direction of slope, soil type, and vegetative cover.
 6. Vegetative cover.
 7. The prevention and control of water pollution including sedimentation.
 8. The location with respect to floodplains. The use may not violate floodplain regulations governing the site.
 9. The movement of traffic. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in public or private roads.
 10. The demand for related services.
 11. The possible hazardous, harmful, noxious, offensive or nuisance effects resulting from the requested use.
 12. The extent to which the proposed use would be compatible or incompatible with the Comprehensive Plan of the Town.

7.2 Conditional Use Permit

The following procedure shall be followed where a new Conditional Use Permit (CUP) is sought or where the holder of an existing CUP seeks modification of the existing CUP. Modification shall include any amendment, revision, expansion, or any change to the existing CUP.

- A. Applications for a Conditional Use Permit shall be made on application forms approved by the Town Plan Commission.
- B. The application fee, established by the Town Board in the Town Fee Schedule, shall be paid at the time the application is filed and shall not be refundable unless the application is withdrawn prior to consideration by the Town Plan Commission. Any expense incurred by the Town for publishing notices prior to the withdrawal of the application will be deducted from the refund. Applications originated by the Town shall be exempt from the application fee.
- C. Applications and supporting documents shall be submitted in twelve (12) copies to the Zoning Administrator who shall receive the application and conduct a review and research of the application and documents. Within ten (10) days after the Zoning Administrator's receipt of the application, the Zoning Administrator shall deliver the application and related materials to the Town Plan Commission for its review and consideration. The Zoning Administrator shall make a preliminary inspection of the property to confirm the accuracy of the application and identify potential issues or considerations. The Town Plan Commission and/or Zoning Administrator may require the applicant to submit other pertinent data and information they deem necessary to properly evaluate the request. Such information may include, without limitation because of specific enumeration:
 - 1. A plan of the area showing contours, soil types, wetlands, ordinary high water mark, groundwater conditions, bedrock, slope and vegetative cover.
 - 2. A survey prepared by a registered land surveyor showing existing and proposed development, location of buildings, structures, parking areas, traffic access, driveways, walkways, piers, open spaces, and landscaping
 - 3. Sewage disposal facilities, water supply systems and arrangements of operations thereof.
 - 4. Specifications for areas of proposed filling, grading and lagooning
 - 5. Building plans, including floor plans and exterior designs or elevations.

6. Development schedule indicating the appropriate date when construction can be expected to begin and be completed, including initiation and completion dates of separate stages of a phased development.
-
- D. The Town Plan Commission shall establish a date for a public hearing on the application to be held within thirty (30) days of receipt of the completed application and related documents. A Class 2 notice under Chapter 985 Wisconsin Statutes shall be published in the Ashland Daily Press once per week for two consecutive weeks with the last insertion occurring at least seven (7) days prior to the public hearing. Notice of the public hearing shall be mailed by 1st class mail at least ~~twenty-one (21)~~ **ten (10)** days before the public hearing to all owners of record of lots or parcels within three hundred (300) feet of the property, except as may be extended or expanded otherwise at the discretion of the Zoning Administrator and/or the Town Plan Commission. If the property is within one thousand (1,000) feet from Lake Superior, the Wisconsin Department of Natural Resources and the Ashland County Zoning Administrator shall be mailed a notice. Notice shall also be posted at the posting locations designated by the Town Board at least twenty-one (21) days prior to the public hearing. A copy of the application and relevant documents shall be kept by the Zoning Administrator in the Zoning Office for public inspection.
 - E. All members of the Town Plan Commission shall make every effort to personally inspect the proposed site before the Public Hearing on the matter.
 - F. Unless the applicant waives the right to timely action in writing, within thirty (30) days of the public hearing, the Town Plan Commission shall meet to consider the application and make a ~~recommendation to the Town Board~~ **decision**. The ~~recommendation~~ **decision** shall be in the form of a motion approved by a majority of the Town Plan Commission members. No Commissioner may vote on the application without either attending the Public Hearing or having submitted a signed affidavit stating that they listened to the recording of the Public Hearing. If the recommendation is for approval, the motion shall include any terms or conditions recommended to be included in the Conditional Use Permit. These conditions may address the site plan, timetable of development, operation of the proposed use, surety requirements for performance of required activities, or other considerations relevant to applicable standards. The decision of the Town Plan Commission shall be recorded in the minutes and shall be specifically related to the standards of this chapter or of documents related to this chapter.
 - G. Within five (5) days after the Town Plan Commission decides to ~~recommend issuance of~~ **issue** a CUP, or ~~the denial of~~ **denies** an application for a CUP, the Commission shall provide notice by personal service or by 1st class mail to the applicant, all owners of record of lots or parcels within three hundred (300) feet of the property, and each objector of record, and shall post the ~~recommendation~~ **decision** at the designated Town posting sites. ~~The Zoning Administrator shall~~

~~forward a copy of all records associated with a recommendation to the Town Board.~~

- ~~H. Within twenty one (21) days of its receipt of notice that the Town Plan Commission has made a recommendation, the Town Board shall act on the recommendation of the Town Plan Commission. No Town Board Supervisor may vote on the application without either attending the Public Hearing or having submitted a signed affidavit stating that they listened to the recording of the Public Hearing. After review of the application, recommendation and file, the Town Board will consider the recommendation under the standards established in this chapter and may approve, approve with modification, or deny the recommendation of the Town Plan Commission. The decision of the Town Board shall be recorded in the minutes and shall be specifically related to the standards of this chapter or of documents related to this chapter.~~
- H. Within five (5) days of the decision by the Town Board, the Town Clerk shall provide notice by personal service or by 1st class mail to the applicant, objectors of record and owners of record of lots or parcels within three hundred (300) feet of the decision and conditions included therein and shall post the decision at the designated Town posting sites. If the Town Board *Plan Commission* approves the issuance of a CUP, the Town Clerk *Zoning Administrator* shall draft a Conditional Use Permit which sets forth each of the conditions approved by the Town Board *Plan Commission*, which permit is to be signed by the Town *Plan Commission* Chair and Town Clerk *Zoning Administrator*, with an acknowledgment of the conditions placed on the property signed by the applicant. After forty-five (45) days following the Town Board *Plan Commission*'s decision to issue a Conditional Use Permit, the Town Clerk *Zoning Administrator* shall issue the permit. All conditions set forth in the Conditional Use Permit shall be binding upon the property.
- I. Where the Town Board *Plan Commission* has approved or conditionally approved an application for a conditional use, such approval shall automatically become null and void within twelve (12) months of the date of the Town Board's action *issuance of the Conditional Use Permit* unless the use is commenced, construction is underway, or the current owner possesses a valid Land Use Permit for each building and/or structure contemplated. Construction under such Land Use Permit(s) shall be commenced within six (6) months of issuance and shall be substantially complete upon permit expiration. If a timetable of developments is approved as a condition under paragraph (F) of this Section, only those uses, buildings, and/or structures contemplated within this twelve (12) month time period shall be required. Upon timely application and for justifiable cause, the Town Plan Commission may grant a specific extension of this twelve (12) month period.
- J. When a Conditional Use Permit is discontinued for ~~thirty-six (36)~~ *twelve (12)* consecutive months, the Conditional Use Permit shall be rendered void and any

future use shall conform to this Ordinance. Upon timely application prior to the expiration of this ~~thirty-six (36)~~ **twelve (12)** month period and for good cause, the Town Plan Commission may grant a specific extension of this ~~thirty-six (36)~~ **twelve (12)** month period.

- K. A conditional use application that has been denied by The Town ~~Board~~ **Plan Commission** shall not be accepted for re-submittal unless there has been a significant change in the proposed use or relevant conditions as determined by the Town Plan Commission.
- L. The decision of the Town ~~Board~~ **Plan Commission** to approve or deny a Conditional Use Permit is ~~reviewable only by certiorari by the circuit court~~ **may be appealed to the Zoning Board of Appeals (See Section 10 of this Ordinance).**

SECTION 8.0 ADMINISTRATION

8.1 ZONING ADMINISTRATOR

A. Designation

1. The provisions of this Ordinance shall be administered and enforced by the Zoning Administrator who shall be employed by the Town Of La Pointe and shall report directly to the Town Board and with guidance from the Town Plan Commission.
2. The salary of the Zoning Administrator shall be approved by the Town Board.

B. Duties

In administering and enforcing this Ordinance, Zoning Administrator shall perform the following duties:

1. Land Use Permit Applications.
Receive and examine all applications for Zoning/Land Use Permits, ~~uniform dwelling permits and POWTS permits~~ and refer to applications to the Town Plan Commission for action thereon as defined in the Zoning Ordinance.
2. Land Use Applications for Conditional Use.
Receive applications for Conditional Use Permits and forward these applications to the Town Plan Commission for action thereon as defined in the Zoning Ordinance.
3. Land Use Applications for Special Exceptions.
Receive applications for special exceptions and forward the application to the Town Plan Commission for action thereon as defined in Zoning Ordinance.
4. Land Use Applications for Appeals and Variances.
Receive applications for appeals and variances and forward these applications to the Zoning Board of Appeals for action thereon as defined in the Town of La Pointe ordinances.
5. ~~Receive applications for appeals from alleged error of the Zoning Administrator and forward these applications to the Town Plan Commission for action thereon.~~
6. ~~Surveys.~~ ***Certified Survey Maps and Plat Maps.***
Review surveys as required determining compliance or non-compliance with the terms of the Town of La Pointe Technical Memorandum #3 Subdivision Ordinance and forward these applications to the Town Plan

Commission for action thereon.

7. Presentation of Facts.

~~Upon the request of~~ **Present to** the Town Board, the Town Plan Commission or the Zoning Board of Appeals, ~~present to such bodies~~ facts, records, or reports ~~which they may request~~ to assist them in making decisions.

8. Application for Signs.

Receive Land Use Permit applications for signs. Any sign to be erected in the Town of La Pointe shall require a permit unless specifically exempted. No such sign shall be erected, altered, or the content changed, except directory, until ~~reviewed by the Town Plan Commission and~~ a permit **is** issued by the Zoning Administrator.

9. ~~Application~~ **Petitions** for Zoning District Change **and/or Amendment to Zoning Ordinance.**

Receive **petition** applications for zoning district changes and forward these to the Town Plan Commission for action thereon as defined in the Town of La Pointe Ordinances.

~~10. Applications for Quarries and Mines. Receive applications for quarries and mines and forward these applications to the Town Plan Commission for action thereon as described in the Town of La Pointe ordinances.~~

C. Powers and Authority

The Zoning Administrator shall have powers and authority including but not limited to the following:

1. Issuance of Permits.

~~Notwithstanding Sections 13.1, 13.2, 13.5, 13.7, 13.8 or any other Section of this Ordinance, the~~ **The** Zoning Administrator may issue Town of La Pointe permits only when there is compliance with the provisions of this Ordinance and with other Town of La Pointe ordinances.

2. Issuance of Orders.

With approval of, or direction from, the Town Board of La Pointe, issue Stop-~~Work~~, Cease-and-Desist Orders and Order correction, in writing, of all conditions found to be in violation of the provisions of this Ordinance. Such Written Orders shall be served personally or by certified mail upon persons, firms, or corporations deemed by the Zoning Administrator to be violating the terms of this Ordinance. It shall be unlawful for any person to violate such Order lawfully issued by the Zoning Administrator, and any person violating such Order shall be guilty of a violation of this Ordinance.

3. ***Revocation of Land Use Permit for Rental of Principal and/or Accessory Dwelling.***
With approval of or direction from the Town Board of La Pointe, revoke by Order a Land Use Permit for the rental of a principal or accessory dwelling or violation of Section 6.0.
4. Court Action.
 With the approval of ~~the Board, or when directed by them,~~ ***or direction from, the Town Board of La Pointe,*** institute in the name of the Town any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, moving, altering, repair, conversion, maintenance or use of any building, structure or land, or to prevent any illegal act, conduct business, or use in or about such premises.
5. Revocation of Orders.
 Revoke by Order a Zoning/Land Use Permit issued under a mistake of fact or contrary to the law or the provisions of this Ordinance.
6. Maintenance of Zoning Ordinance ~~Map.~~
 Maintain an up-to-date copy of the Zoning Ordinance and amendments thereto and maintain the Zoning Map showing the current zoning classifications of all land.
7. Maintenance and Custodian of Records.
 Keep an official record and file all applications for permits with accompanying plans and documents for that period required by law. Is the official responsible for requests for zoning public records and will follow the procedures in State Statute Chapter 19.
8. Access.
 Access to any structure or premises for the purpose of performing his/her duties between 9:00 A.M. and 5:00 P.M. by the permission of the owner or upon issuance of a special inspection warrant.

8.2 TOWN SANITARY AGENT

A. Designation

The Town Board may appoint a Town Sanitary Agent for the local administration and enforcement of the Ashland County Sanitary and Private Sewage System Ordinance under the guidance of the ~~Town Plan Commission and the Ashland County Zoning Committee~~ **Administrator.**

1. The agent shall meet the training and certification requirements of the relevant Wisconsin Administrative Codes.
- ~~B. The Agent shall be appointed for a period of three years with the salary~~

~~established annually by the Town Plan Commission and approved by the Town Board.~~

B. Duties and Powers

The Agent shall have those duties and powers as are mutually agreed upon by the Town Board and the Ashland County Zoning Committee.

8.3 LAND USE PERMITS

A. Permit Required

No structure shall be ~~built, moved,~~ *hereafter erected, moved, reconstructed, removed, extended, enlarged* or structurally altered and no land use shall be substantially altered until a Land Use Permit has been issued by the Zoning Administrator. The Zoning Administrator shall not issue a permit for a structure or a use not in conformity with the requirements of this Ordinance. ~~The fee for the filing of applications for Land Use Permits shall be established by the Town Plan Commission.~~

The Town Plan Commission shall annually establish a schedule of fees and a collection procedure for *all* zoning permits, ~~certificates of zoning compliance, and Conditional Use Permits~~ as required by this Ordinance. The schedule of fees shall be posted in the office of the Town Clerk after approval by the Town Board. A copy of the current fee schedule shall be kept on file in the offices of the Town Clerk and the Zoning Administrator.

B. Land Use Application Procedure Requirements

~~Applications for Land Use Permits shall be accompanied by scale maps or drawings showing accurately *showing* the location, size, and shape of the lot(s) involved, and of any proposed structures, including the relationship to abutting streets and any abutting lakes or streams, and the existing and proposed use of each structure and lot, and the number of families to be accommodated.~~

Applications submitted for Land Use Permits to the Town of La Pointe shall be completed in their entirety in permanent ink, bearing signatures of all property owners on approved application forms. Applicants are advised that applications shall not be considered without submitting to the Zoning Administrator four complete sets (one set to be the original) of the following information:

- 1. Applications for Land Use Permit and Certificate of Compliance (shall be filled out in their entirety)*
- 2. Approved Ashland County Sanitary Permit or approved Madeline Sanitary District Permit if on municipal sewer (if applicable)*

3. *Approved Ashland County Highway Permit (if applicable)*
4. *Approved Ashland County Building Permit (if applicable)*
5. *Elevations (for each side of structure, if addition/alteration existing shall be shown)*
6. *Site Plan. Accurately show the location, size, and shape of the lot(s) involved. Identify all existing structures and improvements. Identify all lakes, ponds, streams or wetlands. Identify relationship to streets, roads, alleys and/or easements being active, platted or reserved, wells and sanitary systems, both on or abutting property. Identify directly adjacent landowners and property use*
7. *Applications for changes in land use shall identify changes in detail*
8. *Fees*
9. *Town Driveway application from Town Foreman (if applicable)*
10. *The actual building site shall be staked out prior to the Zoning Administrator's inspection*

NOTE: The Town of La Pointe does not require plans to be professionally drawn, however, they shall be of a legal and understandable quality that properly conveys all information necessary to complete project. Actual dimensions are preferred to scale maps. Failure to comply with the above instructions will result in delays in processing of applications.

The Applicant shall ~~declare~~ ***acknowledge by signature***: "I (we) declare that this application (including any accompanying schedule) has been examined by me (us) and to the best of my (our) knowledge and belief it is true, correct and complete. I (we) acknowledge that I (we) am (are) responsible for the detail and accuracy of all information I (we) am (are) providing that will be relied upon by the Town Plan Commission ***and/or the Zoning Administrator*** in determining whether to issue a permit. I (we) further accept all liability that may be a result of the Town Plan Commission ***and/or the Zoning Administrator*** relying on the information provided in this application. I (we) agree to permit officials charged with administering the Zoning Ordinance or any other authorized person to have access to the above-described premises at any reasonable time for the purpose of inspection."

C. Expiration

Land Use Permits for construction, alteration, or removal of structures shall expire twenty-four (24) months from their date of issuance unless substantial completion has occurred within such time. Land Use Permits for land use

changes shall expire twenty-four (24) months from their date of issuance where no action has been taken to accomplish such change ***and extension has not been granted.***

Substantial completion shall be defined, ***where applicable***, as "***foundation in*** ***and, where applicable***, "external walls up, windows in, roof on, doors installed."

8.4 PERMIT PROCESS

A. Land Use Permit

- A. Application by owner accompanied by necessary fees.
- B. Screening by the Zoning Administrator ***or designated official.***
- C. If sanitary system is included, ~~then appropriate~~ ***an approved*** permit applications must accompany Land Use Permit application ~~for forwarding to the Sanitary Agent or to the Sanitary District.~~
- D. Inspection by Zoning Administrator ***or designated official.***
- E. ~~All applicable permits and documentation are required to be in hand before an application will appear on the Town Plan Commission agenda.~~
- E. Decision by Town Plan Commission ***if applicable.***
- F. Issuance of permit within ten ***(10)*** days after approval of ~~Zoning Administrator or~~ Town Plan Commission, ***where applicable.***
- G. Inspection by Zoning Administrator and/or Sanitary Agent.
- H. Issuance of certificate of compliance.

B. Zone and Map Changes

- ~~1. Application.~~
- ~~2. Screening by Administrator. If subject property is within ***one thousand*** (1,000) ft of Lake Superior then the Wisconsin DNR and the Ashland County Zoning Administrator shall receive a notice.~~
- ~~3. Review by Town Plan Commission.~~
- ~~4. Public Hearing—Class 2 notice.~~
- ~~5. Mail a notice of the Town Plan Commission's decision to the applicant and all objectors of record.~~
- ~~6. The Town Plan Commission shall refer its decision to the Town Board for action. If the application is approved by the Town Board, certification is sent to the Ashland County Board and the Ashland County Zoning Administrator.~~
- ~~7. Issuance of Zone or Map Change within ten (10) days. Once Zone and Map Change is approved by Ashland County and the final draft resolution is posted and published, the change shall be issued within ten (10) days.~~

8.5 ENFORCEMENT

- A. The Zoning Administrator and any other official designated by the Town Board shall have the power and authority to enforce all provisions of this Ordinance on

behalf of the Town.

- B. The Zoning Administrator and any other official designated by the Town Board shall have the power and authority to, on behalf of the Town, issue ~~citations~~ **Orders** and/or complaints charging any person with violating any provision of this Ordinance which he or she reasonably believes such person to have violated.

8.6 WRITTEN ORDERS

- A. The Zoning Administrator and any other official designated by the Town Board shall have the power and authority to, on behalf of the Town, issue a Written Order to any person, requiring such person to do an act or to cease from doing an act so as to comply with this Ordinance.
- B. A person, upon receipt of such a lawful Written Order shall comply with such Written Order, as soon as is reasonably possible under the circumstances then existing. It shall be rebuttably presumed that such Written Order can be complied with immediately.
- C. A person, who upon receipt of such a lawful Written Order fails to comply with the same as soon as is reasonably possible under the circumstances then existing shall be guilty of violating this Section of this Ordinance. The violation of such a lawful Written Order in and of itself shall constitute a separate violation of this Ordinance and the violation is subject to the penalty set out in this Ordinance whether or not such person is convicted of any other violation of this Ordinance. In the event such a Written Order was mailed, such Order shall be ~~rebuttably~~ **arguably** presumed to have been received by the person to whom it was addressed upon evidence being presented that the same was mailed by certified mail via the ~~U.S.~~ Postal Service.

8.7 VIOLATION

Any person found to have violated any provision of this Ordinance shall, upon conviction, be subject to a forfeiture of up to five hundred dollar (\$500) plus court costs plus any fees and assessments applicable. Each day a violation exists or continues shall constitute a separate offense. In addition to such forfeiture, a violator may also be required to reimburse the Town for the costs of prosecution, including reasonable attorney fees. A person who fails to pay any forfeitures, costs and assessments imposed by the Court, shall, upon being found in contempt of Court, be subject to imprisonment for not to exceed thirty (30) days.

8.8 NUISANCE

A violation of any provision of this Ordinance shall constitute a nuisance that the violator ~~may~~ be required to abate. Injunctive relief may be ordered to terminate or prevent a violation of any provision of this Ordinance. There shall be a ~~rebuttable~~ **an arguable** presumption that any violation of this Ordinance causes irreparable harm to the public. A

violator of any provision of this Ordinance may be required to pay for restitution performed by another ~~due to the violator's failure to make restitution.~~

8.9 UNLAWFUL BUILDING OR STRUCTURE

Any building or structure *hereafter erected, moved, reconstructed, removed, extended, enlarged or structurally altered* in violation of any provision of this Ordinance shall be deemed an unlawful structure and the Zoning Administrator or any other official designated by the Town Board ~~or by the Town Plan Commission~~ may bring action to enjoin such ~~erection, construction or reconstruction~~ *violation*, or cause such structure to be vacated or removed.

It shall be unlawful to *hereafter erect, move, reconstruct, remove, extend, enlarge or structurally alter any building or structure* in violation of any provision of this Ordinance, and any person violating any such provision shall be subject to the penalty set forth in this Ordinance ~~for a violation of this Ordinance.~~

Each and every day during which said ~~illegal erection, construction or reconstruction~~ *violation* continues shall be deemed a separate offense. In case any building or structure is or is proposed to be erected, constructed or reconstructed, or any land is proposed to be used in violation of any provision of this Ordinance, the Zoning Administrator, or any other official designated by the Town Board ~~or by the Town Plan Commission~~ or any neighboring property owner who would be specially damaged by such violation, may, in addition to other remedies provided by law, institute injunction, mandamus, abatement or other appropriate action or proceedings to prevent or enjoin or abate or remove such unlawful erection, construction or reconstruction.

SECTION 9.0 NONCONFORMING USES

9.1

~~The lawful use of a building, structure, or property existing at the time this Ordinance or an amendment to this Ordinance takes effect, which is not in conformity with the provisions of this Ordinance, including the routine maintenance of such building or structure, may be continued subject to the following conditions:~~

- ~~A. If such use is discontinued for twelve (12) consecutive months, any future use of the building, structure or property shall conform to this Ordinance.~~
- ~~B. The maintenance and repair of nonconforming boathouses that extend beyond the ordinary high water mark of any navigable waters shall comply with the requirements of the Wisconsin Statutes.~~
- ~~C. The continuance of the nonconforming use of a temporary structure may be prohibited.~~
- ~~D. Uses that are nuisances shall not be permitted to continue as nonconforming uses~~
- ~~E. Nonconforming principal structures less than forty (40) feet from the ordinary high water mark are permitted ordinary maintenance and repair. Such structures may be improved internally provided:
 - ~~1. Internal improvement is confined to the building envelope (i.e., no new basements, additional stories, lateral expansion or accessory construction outside of the perimeter of existing enclosed dwelling space are permitted but replacement of windows, doors, roofing, siding and upgrading of the insulation of a structure are permitted)~~
 - ~~2. The property owner implements a plan approved by the County Land Conservationist that restores the Shoreland cover buffer zone.~~~~
- ~~F. A nonconforming principal structure located between forty (40) and seventy five (75) feet from the ordinary high water mark that includes at least 500 square feet (footprint) of enclosed area may be expanded providing:
 - ~~1. The addition does not exceed fifty percent (50%) of the existing footprint or two thousand (2000) square feet of total enclosed area~~
 - ~~2. All expansion is no closer to the water than the landward façade of the existing principal structure (placement of standard or walkout basements under existing structures is prohibited)~~
 - ~~3. Existing nonconforming accessory structures are removed from the property excluding legally erected boathouses and structures covered under the applicable Section of the Ashland County Shoreline Amendatory Ordinance~~
 - ~~4. The property owner implements a plan, approved by the County Land~~~~

~~Conservationist, which restores the shoreline, cover buffer zone.~~

- ~~G. All inland nonconforming structures may be expanded in the form of an addition.
The addition shall meet required setbacks.~~

Amended March 28 2007

9.1 NONCONFORMING USES

The lawful use of a building, structure, or land existing at the time of the adoption or amendment of this Ordinance may be continued although such use does not conform to the provisions of the Ordinance subject to the following conditions:

- A. The nonconforming use may not be changed, extended, or expanded.*
- B. If such nonconforming use is discontinued for a period of twelve (12) months, any future use of the building and premises shall conform to this Ordinance.*
- C. Total structural alterations for buildings housing such nonconforming uses shall not during its life exceed fifty percent (50%) of the current equalized assessed value.*
- D. Buildings housing nonconforming uses are allowed routine maintenance and repairs.*
- E. Once a nonconforming use or structure has been changed or altered so as to comply with the provisions of this Ordinance, it shall not revert back to a nonconforming use or structure*
- F. Where a legal nonconforming building or structure has been destroyed by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation to the extent that the cost of repair or restoring the structure to before-damaged condition is not more than fifty percent (50%) of its current fair market value, the same may be rebuilt if a land use permit is obtained from the Zoning Administrator within twelve (12) months after the date of the fire or other disaster and if the building is reconstructed within twenty-four (24) months of permit issuance.*
- G. Uses that are nuisances shall not be permitted to continue as nonconforming uses.*

9.2 NONCONFORMING STRUCTURES

The use of a structure existing at the time of the adoption or amendment of this Ordinance may be continued although the structure does not conform to the established setback, height, or floor area ratio requirements of the district in which it is located. A nonconforming structure can be moved, altered, or reconstructed subject to the following conditions:

- A. A nonconforming structure may be structurally altered within the limits of the existing building envelope.*

- B. An addition to a nonconforming structure is allowed provided the addition complies with current requirements of this Ordinance including setbacks. The addition shall not exceed fifty percent (50%) of the existing building footprint including overhangs, eaves, and other impervious surfaces. Total enclosed square footage of building and proposed additions shall not exceed two thousand (2,000) square feet.*
- C. Nonconforming structures are allowed routine maintenance and repairs.*
- D. A nonconforming structure may be moved provided the structure complies with the current requirements of this chapter.*
- E. Where a legal nonconforming building or structure has been destroyed by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation to the extent that the cost of repair or restoring the structure to before-damaged condition is not more than fifty percent (50%) of its current fair market value, the same may be rebuilt if a land use permit is obtained from the Zoning Administrator within twelve (12) months after the date of violent wind, vandalism, fire, flood, ice, snow, mold, or infestation and if the building is reconstructed within twenty-four (24) months of permit issuance.*
- F. Structures that are nuisances shall not be permitted to continue as nonconforming uses.*

9.3 NONCONFORMING STRUCTURES TO SHORELINE SETBACK

This section is not intended to apply to structures that are nonconforming as to shoreline setback. The lawful use of a building, structure, or property existing at the time this Ordinance or an amendment to this Ordinance takes effect, which is not in conformity with the provisions of this Ordinance, including the routine maintenance of such building or structure, may be continued subject to the following conditions:

- A. If such use is discontinued for twelve (12) consecutive months, any future use of the building, structure or property shall conform to this Ordinance.*
- B. The maintenance and repair of nonconforming boathouses that extend beyond the ordinary high water mark of any navigable waters shall comply with the requirements of the Wisconsin Statutes.*
- C. The continuance of the nonconforming use of a temporary structure may be prohibited.*
- D. Uses that are nuisances shall not be permitted to continue as nonconforming uses.*
- E. Nonconforming principal structures less than forty (40) feet from the ordinary high water mark are permitted ordinary maintenance and repair.*

Such structures may be improved internally provided:

- 1. Internal improvement is confined to the building envelope (i.e., no new basements, additional stories, lateral expansion or accessory construction outside of the perimeter of existing enclosed dwelling space are permitted but replacement of windows, doors, roofing, siding and upgrading of the insulation of a structure are permitted).*
- 2. The property owner implements a plan approved by the County Land Conservationist that restores the Shoreland cover buffer zone.*

F. A nonconforming principal structure located between forty (40) and seventy five (75) feet from the ordinary high water mark that includes at least 500 square feet (footprint) of enclosed area may be expanded providing:

- 1. The addition does not exceed fifty percent (50%) of the existing footprint or two thousand (2000) square feet of total enclosed area, including the additions.*
- 2. All expansion is no closer to the water than the landward façade of the existing principal structure (placement of standard or walkout basements under existing structures is prohibited).*
- 3. Existing nonconforming accessory structures are removed from the property excluding legally erected boathouses and structures covered under the applicable Section of the Ashland County Shoreline Amendatory Ordinance.*
- 4. The property owner implements a plan, approved by the County Land Conservationist, which restores the shoreline, cover buffer zone.*

All inland nonconforming structures may be expanded in the form of an addition. The addition shall meet required setbacks.

SECTION 10.0 ZONING BOARD OF APPEALS

10.1 COMPOSITION

A Zoning Board of Appeals is hereby created. Such board shall be appointed and have such powers in accordance with the provisions of ~~Sections 59.69 and 62.23~~ **§(7)(e)** of ~~the~~ Wisconsin Statutes. The Zoning Board of Appeals will meet to consider certain appeals and variances. The Zoning Board of Appeals shall consist of five (5) members appointed by the Town Board and shall serve terms of three (3) years, except that of those first appointed, one shall serve for one (1) year, two for two (2) years, and two for three (3) years. The members of the Zoning Board of Appeals shall serve at the pleasure of the Town Board, shall be given such compensation as to be fixed by the Town Board, and shall be removable by the Town Board for cause upon written charges and after a public hearing. The Town Board shall designate one of the members as chairperson. Vacancies shall be filled for the un-expired terms of members whose terms become vacant.

10.2 RULES

A. Call for Meetings

The Zoning Board of Appeals shall meet at the call of the chairperson, and at such other times as the Zoning Board of Appeals may determine, at a fixed time and place.

B. Meetings

All meetings of the Zoning Board of Appeals shall be open to the public.

C. By-laws

The Zoning Board of Appeals shall organize and adopt rules for its own governance in accordance with State statutes and Ordinance requirements.

D. Public Hearing Location

Any public hearing which the Zoning Board of Appeals is required to hold shall be held in the Town Hall or other place as convenient as may be to the location or locations to be considered at such public hearing, and a full description of the location of such place of hearing by name, address, or other commonly known means of identification, shall be included in the notice given of such hearing.

E. Notification of Public Hearing Notice

of any public hearing, which the Zoning Board of Appeals is required to hold under the terms of this Ordinance, shall specify the date, time and place of hearing, and the matter to come before the Zoning Board of Appeals at such hearing, and such notice shall be given in each of the following ways:

1. By publication in the official newspaper of the Town, at least twice, in two separate weeks, not less than seven days prior to the date of the hearing (class 2 notice).
2. By posting, not less than seven days prior to the date of such hearing, in

each of the public places in which official notices are usually published.

F. Notice of Hearing

Notice of the time and place of such public hearing shall be published at least twice in a newspaper of general circulation in the Town and also by mailing notice thereof to the parties in interest, said publication and mailing to be made at least 10 days prior to the date of hearing (class 2). The Board shall thereafter reach its decision within sixty (60) days from the filing of the completed application.

G. Minutes

The Zoning Board of Appeals shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact. Facts of finding shall be included on the record for each decision. The Zoning Board of Appeals shall keep records of its examinations and other official actions, all of which shall be public record.

H. Performance of Duties

The Chairperson, or in his/her absence, the acting chairperson may administer oaths and compel the attendance of witnesses.

I. Effectuation

The Zoning Board of Appeals may adopt such rules as are necessary to carry into effect the regulations of the Town Board, the Town Zoning Ordinance, and applicable Wisconsin Statutes.

J. Certiorari

In the case of all appeals the Zoning Board of Appeals shall call upon the Town Plan Commission for all information pertinent to the decision appealed from.

K. Application for Appeals

Any person aggrieved or any officer, department, board or commission of the Town affected by any decision of the Zoning Administrator or the Town Plan Commission under this Ordinance may appeal to the Zoning Board of Appeals by filing a notice of appeal with the Zoning Administrator, Town Clerk, Administrative Assistant or Clerical Assistant and with the Zoning Board of Appeals specifying the grounds of appeal within thirty (30) days after the decision or action complained of. The thirty (30) day period will start to run on the day that the decision is mailed by 1st class mail to the applicant or permit holder. The applicant will be responsible for keeping the Town advised of a current mailing address. Mailing to the address where the property tax bills are sent for the property will be considered adequate notice.

The Zoning Board of Appeals, after a public hearing, may determine and vary the regulations of this Ordinance in harmony with their general purposes and intent, only in the specific instances hereinafter set forth, where the Zoning

Board of Appeals makes findings of fact in accordance with the standards hereinafter prescribed and further, finds that there are practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of this Ordinance.

The decision of the Town Plan Commission regarding Special Exceptions *and Conditional Use Permits* shall be appealable to the Board of Zoning Appeals.

L. Application for Variance

An application for a variance shall be filed in writing with the Zoning Administrator, Town Clerk, Administrative Assistant or Clerical Assistant. The application shall contain such information as the Zoning Board of Appeals may, by rule, require. Notice of hearing for a variance shall be sent to the Wisconsin Department of Natural Resources and the Ashland County Zoning Administrator if the property involved is within one thousand (1000) feet of the lake. The Chairperson of the Zoning Board of Appeals shall screen the application and if supporting documentation is required may request ~~same~~ *it* from *the* proper custodian of the appropriate files.

M. Standards for Variances

A variance is a relaxation of a dimensional standard in land use regulations (e.g., area, height, setback, etc.). The variance procedure allows land use regulations to be adapted to unique properties. It preserves private property rights while still protecting the public interest.

There are two types of variances: use variances and area variances. A use variance regulates the way in which land in a zoning classification is used. A use variance may not be granted unless the landowner can show that without the variance they would have no reasonable use of their property.

An area variance involves an increment of relief (normally small) from a physical dimension restriction such as setbacks, frontage, height, bulk or density regulations.

A landowner may not obtain an area variance unless they can demonstrate that an unnecessary hardship exists. “Unnecessary hardship” is best explained as whether compliance with the strict letter of restrictions governing area, setbacks, frontage, height, or density would unreasonably prevent the owner from using the property for a permitted purpose or render conformity with such restrictions unnecessarily burdensome.

In determining whether the unnecessary hardship burden is met in individual cases, the Board of Zoning Appeals should consider the facts of the case related to the following: The purpose of the zoning restriction in question:

- a. Its effect on the property

- b. The effect of the variance on the neighborhood
- c. The larger public interest.

Variances are meant to be an infrequent remedy where an ordinance imposes a unique and substantial burden. They are not intended as an accommodation for a property owner's convenience. The Zoning Board of Appeals may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the standards established in this Sections.

The above standards for variances are based upon Wisconsin case law standards at the time of this particular amendment to the Zoning Ordinance. In the event that the case law has some significant change at a later date the Board of Appeals is authorized to apply the current appropriate legal standard if it differs from the above standards for variances.

N. Authorized Variances

Variances from the regulation of this Ordinance shall be granted by the Zoning Board of Appeals only in accordance with the standards established in the Section and may be granted only in the following instances and in no others:

1. To permit the same off-street parking facility to qualify as required facilities for two or more uses, provided that substantial use of such facility by each user does not take place at approximately the same hours of the same days of the week
2. To reduce the applicable off-street parking or loading facilities required by not more than one parking space or loading facilities required by not more than one parking space or loading space, or 20 percent of the applicable regulations, whichever number is greater
3. To increase by not more than twenty five percent (25%) the maximum distance that required parking spaces are permitted to be located from the use served
4. Variances may also be granted in accordance with the standards set forth in Section 12 "Standards for Variances" above.

O. Decision

All members of the Zoning Board of Appeals shall personally inspect the proposed site before voting on the application.

The written decision of the Zoning Board of Appeals should state the questions before the Zoning Board of Appeals and cite the applicable standards for deciding such questions such as local ordinances, state Administrative Rules, Statutes or Judicial decisions. The decision should recount the facts that

establish that applicable standards were or were not met. The Zoning Board of Appeals should direct the authority requested to issue or withhold the permit. The decision document often contains this information under subheadings titled "Findings of Fact, Conclusions of Law, Determination and Order." A notice of appeal rights and effective date of the Order must also be contained to implement the decision.

P. Quorum

A quorum of the Board of Appeals shall be three members. If a quorum is present, a majority of those present shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance, or to effect any variation in such ordinance. The grounds of every such determination shall be stated.

Q. Costs

Costs shall not be allowed against the Zoning Board of Appeals unless it shall appear to the court that the Board acted with gross negligence or in bad faith, or with malice, in making the decision brought up for review. The Town Board may establish reasonable fees for the filing of an appeal to the Zoning Board of Appeals.

SECTION 11.0 AMENDMENTS

11.1 PROCEDURE

The Town Board may amend this Ordinance in accordance with the procedures prescribed by Wisconsin Statutes, Section 60.62 ~~62.23~~, and any other applicable sections.

A. Intent.

While stability of zoning within the Town is generally desirable, zoning is by no means static. It is the intent of this section to recognize that changed or changing conditions may require a change in the zoning map or text of this Ordinance.

B. Authority and limitations.

Whenever the public necessity or general welfare requires, the Town Board may, in its discretion, amend any part of this Zoning Ordinance by Town ordinance. Such amendments may include the zoning district classification, changes in the zoning district boundaries, and/or changes in the text. Such amendments shall be enacted in accordance with the applicable provisions of Wisconsin Statutes and this Ordinance. Amendments shall be made to maintain internal consistency of this Ordinance. Amendments may also be made upon a showing of a mistake or error on the part of the Town.

C. Initiation.

A petition for amendment of this Ordinance may be made by any owner of real property in the Town affected by the proposed amendment. Without filing a petition for an amendment, any Member of the Town Plan Commission or Town Board may initiate consideration of an amendment of this Ordinance by making a resolution that is adopted by such body.

D. Petition for amendment.

A Petition for any amendment of this Ordinance shall be filed with the Zoning Administrator on forms approved by the Town Plan Commission.

E. Petition for the Amendment of a Zoning District Boundary.

A petition for the amendment of zoning district boundaries or for an amendment of the zoning district classification of real property shall include, at a minimum, the following information:

- 1. Name, mailing and physical address, and telephone number of the affected real property owner*
- 2. Legal description, parcel number, and fire number of the affected real property, and legal description of the area proposed to be rezoned if less than the affected real property*
- 3. Existing zoning district*

4. *Proposed zoning district*
5. *Existing uses of the area to be rezoned*
6. *Proposed uses of the area to be rezoned (with respect to any proposed use that requires new construction, substantial alteration of existing buildings or structures, or substantial movements of earth). Include a detailed narrative statement describing the proposed development activities, including the nature and purpose of the proposed development activities, the number, size and use of the buildings or other significant structures or features, the type of proposed construction, and required public improvements*
7. *Compatibility of the proposed amendment with the Town's Comprehensive Plan*
8. *Compatibility of the proposed zoning and use with the zoning and use of neighboring properties*
9. *Survey plat or scaled site plan of the affected real property showing the boundaries of the affected real property, the boundary of the area to be rezoned, the location, type and use of existing and proposed buildings, structures and improvements on the affected real property, significant natural or manmade features such as highway, roads, and driveways, sewer, water drainage facilities, navigable waters, and wetlands*
10. *Documentation of the applicant's ownership in the real property affected by the proposed amendment*
11. *Any additional information requested by the Zoning Administrator, Town Plan Commission or Town Board*
12. *The fee required by the Schedule of Fees for Zoning Permits*

F. Petition for the Amendment of the Ordinance Text.

A petition for the amendment of the text of this Ordinance shall include, at a minimum, the following:

1. *The text of the proposed amendment*
2. *A specific statement explaining why the petitioner desires the adoption of the proposed text amendment and how the proposed amendment will benefit the petitioner's real property or use thereof*

3. *A detailed statement of the potential impact of the proposed text amendment on other property owners or users*
4. *Any additional information requested by the Zoning Administrator, Town Plan Commission, or Town Board*
5. *The fee required by the Schedule of Fees for Zoning Permits*

G. Resolution for proposed amendment.

The Zoning Administrator shall draft or oversee the drafting of any amendment to this Ordinance proposed by resolution of the Town Plan Commission or Town Board.

H. Review and approval.

1. *After receipt of a complete petition for any amendment of this Ordinance, or after drafting any amendment proposed by resolution of the Plan Commission or Town Board, the Zoning Administrator shall promptly submit the petition and/or drafted amendment and related materials to the Town Plan Commission by written communication then shall place the matter on the agenda of the Plan Commission to schedule a public hearing. The sixty-day period referred to in 62.23(7)(d)(2), Wis. Stats., shall begin on the day following such submission of the petition or drafted amendment to the Plan Commission.*
2. *Notice of any public hearing on any petition for amendment or any amendment proposed by resolution of the Plan Commission or Town Board shall be published as a Class 2 notice pursuant to Ch. 985, Wis. Stats. In addition, written notice of the public hearing shall be mailed to the last known address of the owners of all real property within three hundred (300) feet of the exterior boundaries of the real property affected by any proposed amendment of the zoning classification of any real property or any proposed amendment of the boundaries of any zoning district. Non-receipt of such actual notice by any property owner shall not invalidate any action taken by the Plan Commission or Town Board. For good cause shown, the petitioner may request the Plan Commission postpone or adjourn the Public Hearing. The Plan Commission may, for good cause shown, postpone or adjourn the public hearing on its own motion. No further publication or mailing of notice shall be required if the notice of the date, time and location of the postponed or adjourned meeting is publicly announced at the place and approximate time of the scheduled public hearing.*
3. *Upon completion of the public hearing and consideration of any proposed amendment of this Ordinance, the Plan Commission shall*

make a recommendation and report to the Town Board relating to the proposed amendment. Any substantial changes in the proposed amendment not covered by the published notice of the public hearing or not a subject of discussion at the public hearing shall require a new public hearing and recommendation and report by the Commission.

4. *Upon receipt of the Plan Commission recommendation and report, the Town Board may:*
 - a. *Adopt the amendment as proposed*
 - b. *Deny the proposed amendment*
 - c. *Refer the proposed amendment to the Plan Commission for further review, study and/or drafting in light of expressed concerns and/or requested changes*
 - d. *Adopt a proposed amendment with minor changes, or with substantial changes provided that such substantial changes were covered by the published notice of the public hearing and were subject of discussion at the public hearing.*

I. Protest.

1. *If one or more protests are filed with the Town Clerk at least twenty-four (24) hours prior to the scheduled date and time of the meeting of the Town Board, or if the day before the meeting is a holiday or weekend than said protest shall be filed by 5:00 p.m. of the last working day prior to the day at which adoption of a proposed amendment to this Ordinance is considered, and such protest(s) is (are) determined to be valid and sufficient, individually or on the aggregate, then such amendment shall not be adopted except by favorable vote of three-quarters ($\frac{3}{4}$) of the Members of the Town Board voting on the proposed amendment.*
2. *To be valid and sufficient, one or more protests must be timely filed and must be duly signed and acknowledged, in accordance with requirements of 62.23(7)(d)2m a and b, Wis. Stats., by the owners of twenty (20) percent or more of the area of the land proposed to be rezoned, or by the owners of twenty (20) percent or more of the area of land immediately adjacent to the land proposed to be rezoned and extending one hundred (100) feet from the street frontage of such opposite land, and said protest(s) shall have original signatures (photocopied, faxed, emailed signatures not valid). Alternatively, the protest will be valid and sufficient if it complies with § 66.23(7)(d)2m b. Further, each protester shall state in the protest:*

- a. *Whether the protester is protesting as an owner of the land proposed to be rezoned, as an owner of adjacent land, and/or as an owner of opposite land*
 - b. *The tax parcel number(s) and fire number(s) (if applicable) of the protester's land that provided the basis for the protest*
 - c. *Whether the protester is the sole owner of such land and, if not, the protester's percentage of ownership of such land*
 - d. *Additionally, if the protester's ownership is not of record, the protester shall attach to the protest a copy of the deed or other instrument on the basis of which the protester claims to be owner*
3. *The Town Board's vote may be deferred until the Town Clerk is able to determine the validity and sufficiency of the protest(s), or the Town Board may proceed to vote, with the outcome to abide the Clerk's determination as to the effect of the protest(s). Any and all protest(s) determined to be invalid or insufficient may be disregarded.*

J. Appeal.

The decision of the Town Board regarding amendments to this Ordinance is reviewable only by certiorari by the circuit court.

SECTION 12.0 PUBLIC HEARINGS

12.1 NOTICE

Adequate notice shall be given of any public hearing required by the provisions of this Ordinance, stating the ***date***, time and place of such hearing and the purpose for which it is being held.

A. Posting and Publishing

1. Notice of public hearings shall be given as per Wisconsin Statutes, ~~Sections~~ §60.61(4)(c), 60.62 and 985.07(2).
2. In addition, when the hearing involves a proposed change in the zoning district classification of any property, ~~or the granting of a conditional use,~~ ***or special exception***, a copy of the notice shall be posted in the vicinity of the proposed change or conditional use where practical and notice of the public hearing shall be mailed by first class mail to the owners of all lands within three hundred (300) feet of any part of the land included in such ~~proposed~~ ***proposal***. ~~change or conditional use at least ten (10) days before such public hearing.~~ The failure of such notice to reach any property owner shall not invalidate any ~~amending~~ ordinance ***amendment***, ~~or granting~~ of a conditional permit, ***or special exception***.

The Town Plan Commission, Zoning Board of Appeals, and the Town Board shall consider any comments made or submitted.

SECTION 13.0 TOWN PLAN COMMISSION

13.1 ESTABLISHMENT

There is hereby established a Town Plan Commission for the Town of La Pointe, Ashland County, Wisconsin for the purpose of promoting compatible development, esthetics, stability of property values and to prevent impairment of depreciation of existing developments

The authority to establish the Town Plan Commission is found in Wisconsin Statutes, ~~Section 60.62~~ **§62.23**.

13.2 COMPLIANCE

~~No structure shall hereafter be erected, moved, reconstructed, extended, enlarged, or have its exterior altered or changed without the Commission's approval. Small accessory structures may be exempt at the direction of the Town Plan Commission.~~

No structure shall be ~~built, moved,~~ **hereafter erected, moved, reconstructed, extended, enlarged** or structurally altered and no land use shall be substantially altered until a Land Use Permit has been issued by the Zoning Administrator.

13.3 MEMBERSHIP

The Town Plan Commission shall consist of seven (7) residents of the Town appointed by the Town Board. Terms shall be staggered for three-year periods. A Chairperson shall be ~~elected by the seated members of the Town Plan Commission~~ **appointed by the Town Chairperson. The Vice-Chairperson shall be elected by the seated members of the Town Plan Commission.** Official Oaths shall be taken by all ~~members~~ **Commissioners** in accordance with ~~Section~~ **§19.01** of the Wisconsin Statutes within ten (10) days of receiving notice of their appointments. Vacancies shall be filled for the un-expired term in the same manner as appointments for the full term.

~~Amended: August 20, 2005~~

13.4 ORGANIZATION

The Town Plan Commission shall organize and adopt rules for its own ~~government~~ **governance** in accordance with the provisions of this Section.

Meetings shall be held at the call of the chairperson or when requested by the Zoning Administrator and shall be open to the public.

Minutes shall be kept showing all actions taken and shall be a public record. The grounds for every decision shall be stated.

Quorum shall be four (4) members, and all actions shall require the concurring vote of at least a majority of the voting members.

~~Amended: August 20, 2005~~

13.5 POWERS

~~The Town Plan Commission shall have the following powers:~~

The Town Plan Commission shall have such powers and duties as may be necessary to enable it to perform its functions and promote Town planning and zoning enforcement. The Commission, in performance of its functions, may enter upon any land, make examinations and surveys, and place monuments and marks thereon. Such powers and duties include the following:

- A. Hear and decide applications for Land Use Permits, Special Exceptions, ***and Conditional Use Permits.***
- B. Hear and make recommendations to the Town Board on ~~Conditional Use Permit~~ ***Certified Survey Maps and Subdivision Plats.***
- C. Interpret this Ordinance and all other ordinances under the jurisdiction of this Commission.
- D. Approve, deny, or conditionally approve the application and may request such modifications as they may deem necessary to carry out the purpose of this ~~Section~~ ***Ordinance.***
- E. The Town Plan Commission may request assistance from other municipal officers, departments, boards, commissions, county, state and regional authorities.
- F. Request applicant to furnish additional information.
- G. ***Prepare and make recommendations to the Town Board regarding any changes or amendments to the Zoning Ordinance including Official Zoning Map.***
- H. ***Consider and make report to the Town Board on the following:***
 - 1. ***The location and architectural design of any public building***
 - 2. ***The location of any statue or other memorial***
 - 3. ***The location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land or lease of land for any street, alley or other public way, park, playground, airport, area for parking vehicles, or other memorial or public grounds.***
 - 4. ***The location, extension, abandonment or authorization for any public utility whether publicly or privately owned.***
 - 5. ***All plats of lands in the Town or within the territory over which the Town is given platting jurisdiction by ch. 236 Wis. Stats.***
 - 6. ***The location, character and extent or acquisition, leasing, or sale of lands for public or semipublic housing, slum clearance, relief of congestion, or vacation camps for children.***
 - 7. ***The amendment or repeal of any ordinance adopted pursuant to this 62.23 Wis. Stats.***

13.6 APPLICATIONS

Applications for approval shall be made to the Zoning Administrator and shall be accompanied by the ~~zoning permit application~~ **documents** required under Section ~~8.4~~ **8.3** and, ~~in addition, shall be accompanied by plans showing the exterior elevations of the existing and proposed floor structure, description of the proposed materials, proposed floor grades, and a list of the names and addresses of the parties in interest.~~ The Commission may require the applicant to submit other pertinent data and information necessary to evaluate the request.

13.7 HEARINGS

The Town Plan Commission shall schedule, by Class 2 Notice, a reasonable time and place for the hearing and cause notice to be mailed by 1st class mail to the parties in interest at least ten (10) days prior to the hearing. An affidavit of mailing consisting of all the parties in interest receiving notices shall be filed. The applicant may appear in person, by agent, or by attorney. In cases where shorelands are involved, a copy of the notice shall be sent to the Wisconsin Department of Natural Resources and the Ashland County Zoning Administrator.

13.8 FINDINGS

The Town Plan Commission shall not approve an application unless it finds by evidence which is clear, satisfactory and convincing, that the facts, circumstances and conditions of the application exist. The Town Plan Commission shall act on all completed applications within thirty (30) days after filing ***or as otherwise specified in this Ordinance.***

13.9 APPEALS

Any person or persons aggrieved by any decisions of the Town Plan Commission may appeal the decision to the Zoning Board of Appeals. Such appeal shall be filed with the Town Clerk, the Zoning Administrator or Administrative Assistant or Clerical Assistant within thirty (30) days after the decision is made. Such a request for review by the Zoning Board of Appeals must be requested within thirty (30) days or the right to review will be lost. The thirty (30) days in any such Zoning Board of Appeals review will begin to run when the decision is mailed to the applicant by 1st class mail to the address on the application.

SECTION 14.0 VALIDITY

14.1 SEPARABILITY

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

14.2 COURT INVALIDATION

Invalidation by a court of any part of this Ordinance shall not invalidate the rest of the Ordinance.

14.3 FORCE AND EFFECT

Following passage and posting by the Town Board as provided in Wisconsin Statutes this Ordinance shall be in full force and effect.

SECTION 15.0 COMPLAINTS

15.1

Any person who reasonably believes that a person or entity owning, using or occupying real property in the Town is, by act or omission, violating a Land Use Permit, Conditional Use Permit, or lacks a required permit, may file a written complaint with the Zoning Administrator. Such written complaint shall set forth the name, address and telephone number of the complainant, the name and address of the property being complained about and a detailed statement on the grounds and basis for such a complaint. Such complaint shall be signed by the complainant. Complaint forms will be available in the Zoning Administrator's office. The Zoning Administrator shall receive and evaluate all written complaints received at such office. The Zoning Administrator shall conduct a preliminary evaluation of complaints and may do any one of the following:

- A. Forward the matter to another agency.
- B. Forward to the Town Plan Commission for ordinance interpretation.
- C. Attempt to reconcile the matter between the complainant and the property owner, user or occupier, if it is minor dispute.
- D. Close the matter if it does not present sufficient information of cause to proceed.
- E. Investigate any complaint that presents significant information to support an allegation of possible violation of this Ordinance and upon completion of an investigation, the Zoning Administrator may do one or more of the following:
 1. Dismiss the complaint for lack of sufficient cause to proceed.
 2. Divert the matter to another agency.
 3. With the approval of the Town Board:
 - a. Issue a Stop-Work, Cease-and-Desist Order or Order of Correction
 - b. Issue one or more citations for apparent violations or, with the assistance of the Town's attorney, cause such violation to be prosecuted
 - c. Pursue such court action as is appropriate including, but not limited to, seeking injunction, restraining order or restitution
 - d. ~~File a petition with the Town Plan Commission to amend, modify or revoke a Conditional Use Permit. In the event, the property owner shall be served with the petition and notice of hearing in the same manner as a summons is served in Chapter 801 Wisconsin Statutes.~~

Any person aggrieved by a decision of the Zoning Administrator may appeal such decision to the Board of Appeals, as per §62.23(7) (e) WI Statutes and Section 10 of this Ordinance. Any person aggrieved by the decision of the Board of Appeals may appeal to the Circuit Court.

15.2 CONDITIONAL USE PERMITS

Any person who reasonably believes that a person or entity owning, using, or occupying real property in the Town is, by act or omission, violating a conditional use permit may file a written complaint with the Town Zoning Administrator. If the Zoning Administrator is the complainant, the complaint shall be filed with the Town Plan Commission. Such written complaint shall set forth the name, address, and telephone number of the complainant, the name and address of the property being complained about, and a detailed statement on the grounds and basis for such a complaint. Such complaint shall be signed by the complainant. Complaint forms will be available in the Town Zoning Administrator's office. The Zoning Administrator and the Town Plan Commission shall receive and evaluate all written complaints in accordance with the following procedure:

- A. During an open meeting of the Town Plan Commission within thirty (30) days of receipt of the complaint the Town Plan Commission may close the matter if the complaint does not present sufficient information of cause to proceed, is warrantless or frivolous. The Town Plan Commission shall state the reason(s) to close the complaint.*
- B. If the complaint presents sufficient information of cause to proceed, the Town Plan Commission shall schedule a public hearing within thirty (30) days of receipt of the complaint. Notification of the public hearing date shall be mailed by first class mail to the property owner, complainant, and to property owners within three hundred (300) feet of the property complained of.*
- C. The Town Plan Commission shall schedule a decision meeting within thirty (30) days of the public hearing.*
- D. Upon finding that the standards, regulation, and/or conditions set forth in granting the conditional use have been violated, the Town Plan Commission may suspend the conditional use permit until such time as there is compliance with the standards, regulations, and conditions imposed with said permit, or the Town Plan Commission may revoke the conditional use permit.*
- E. The property owner and complainant shall be notified of the decision by first class mail within five (5) days. Notice will be complete upon mailing the decision to the property owner's last known address.*

Any person aggrieved by a decision of the Town Plan Commission may appeal such decision to the Board of Appeals, as per §62.23(7)(e) Wis. Stats. and Section 10 of this Ordinance. Any person aggrieved by the decision of the Board of Appeals may seek

certiorari review in the circuit court.

SECTION 16.0 APPENDICES

16.1 DIMENSIONAL REQUIREMENTS

ZONING SCHEDULES – DIMENSIONAL REQUIREMENTS									
Zoning District	<u>L-Z-1</u>	<u>W-1, C-V, & P-R</u>	<u>W-2</u>	<u>R-1 & LZ-2</u>	<u>R-2</u>	<u>R-3</u>	<u>S-1</u>	<u>S-2</u>	<u>C-1, M-1, & G-1</u>
Building Height	** 35 ft*	35 ft	35 ft	35 ft	35 ft	35 ft	35 ft	35 ft	35 ft
Required Lot Area	85 ft x 50 ft	20 Acres	5 Acres	1 Acre	9,600 sq. ft.	* 9,600 sq. ft. See below	3 Acres	Minimum 30,000 sq. ft.	9,600 sq. ft.
Minimum Lot Width									
Road Frontage:	50 ft	660 ft	330 300 ft	150 ft	80 ft	80 ft	+ 250 ft 200 ft	200 ft N/A	80 ft
Lake Frontage:	N/A	N/A	N/A	150 ft	150 ft	N/A	250 ft	200 ft	150 ft
Yard Requirements: (Measured in Feet)							++ Inland Lots See Below		
Frontage:									
Road:	** 5 ft* ☉	75 ft ☉	60 ft ☉	50 40 ft ☉	30 ft ☉	20 ft ☉	60 ft ☉	See ++ Below	5 ft ☉
Navigable Water:	N/A	N/A	N/A	75 ft	75 ft	75 ft	75 ft	N/A 75 ft	75 ft
Side:	** 10 ft*	75 ft	50 ft	30 ft	10 ft	6 ft	50 ft	50 ft	10 ft
Rear:	** 10 ft *	75 ft	50 ft	40 30 ft ☉	25 ft ☉	20 ft	50 40 ft	(Measured from r o w) 30 ft 20 ft ☉	10 ft ☉

~~*Minimum for one family dwellings; one unit for every 3,000 square feet of lot area is permitted in multifamily dwellings provided the indicated minimum lot area requirements of 9,600 square feet are met.~~

~~** See Ashland County Shoreland Amendatory Ordinance, Sections 3.21 and 3.22~~

~~+ These frontage requirements are to be interpreted as average frontages within a given subdivision plat and as minimum frontage where single lots, not part of a subdivision plat, are involved.~~

~~++ Shoreland lots shall conform to the Ashland County Shoreland Amendatory Ordinance~~

- Overlay Districts have the same requirements as the underlying district.
- The setback and dimensional requirements of the Town Park Zone shall continue to be that which the property was zoned upon purchase by the Town of La Pointe.

- All Permitted and Conditional Uses must conform to the requirements of the Ashland County Shoreland Amendatory Ordinance and the Ashland County Floodplain Zoning Ordinance.

* As required by governing Governmental Agency

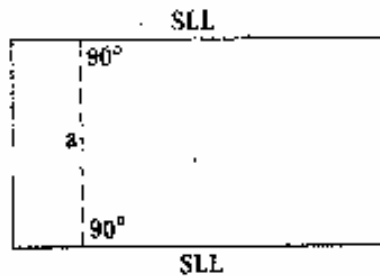
☺ *Measured from the road-right-of-way*

16.2 LOT WIDTH FOR IRREGULAR SHAPED LOTS

Table 2

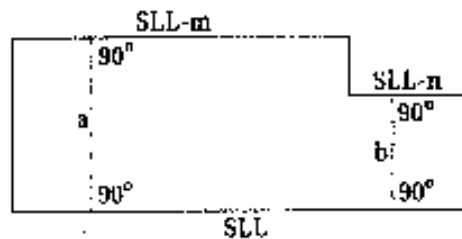
Average Lot Width. The following illustrations and formulas are provided to explain the methods of average lot width determination.

(a) Parallel Lot Lines



Average lot width is the perpendicular distance between Side Lot Lines (SLL).

(b) Parallel Side Lot Lines, Alternate.

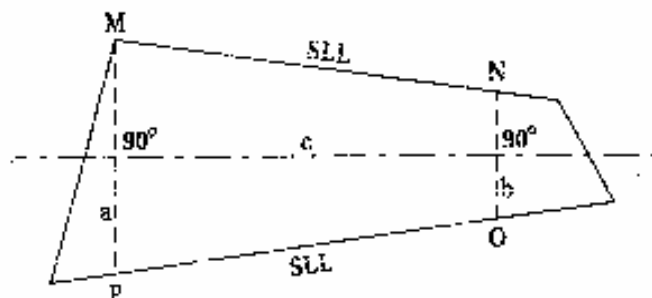


Average lot width is

$$a \times \frac{m}{m+n} + b \times \frac{n}{m+n}$$

Use only that part of length n that, when added to area of m portion of lot, satisfies minimum area requirements.

(c) Nonparallel Lot Lines

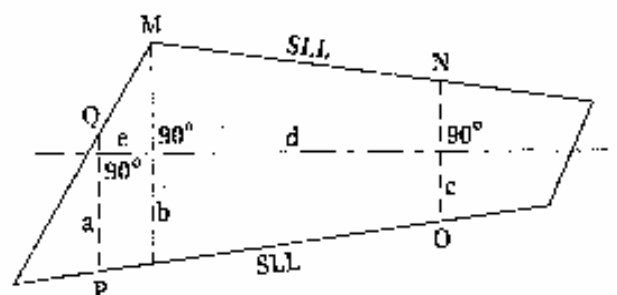


Average Lot Width is

$$\frac{a + b}{2}$$

Area of MNOP equals Minimum Lot Area, and line c bisects angle formed by lines MP and NO extended.

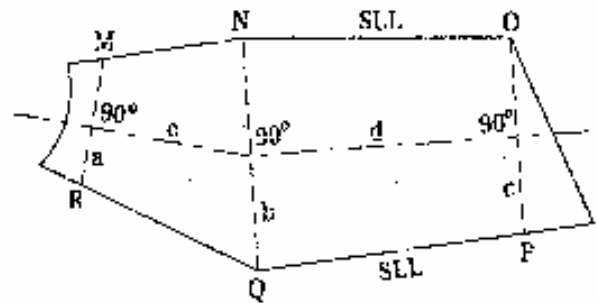
(d) Nonparallel Lot Lines, Alternate 1.



Average Lot Width is

$$\frac{a + b}{2} \times \frac{c}{e + d} + \frac{b + c}{2} \times \frac{e}{c + d}$$

Area of MNOP equals Minimum Lot Area and line d bisects angle formed by lines MP and NO extended. d is the perpendicular distance



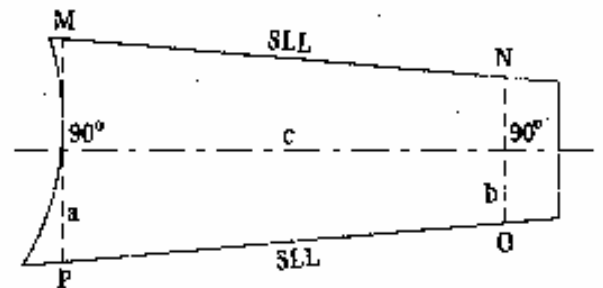
Average Lot
Width is

$$\frac{a + b}{2} \times \frac{e}{e - d} + \frac{b - c}{2} \times \frac{d}{e - d}$$

Area of VECTOR equals Minimum Lot Area, line c bisects angle formed by lines MN and OR extended, and line d bisects angle formed by lines NO and PO extended. d is the perpendicular distance between lines b and a. e is the perpendicular distance between lines c and b.

between lines b and c. e is the perpendicular distance between lines a and b.

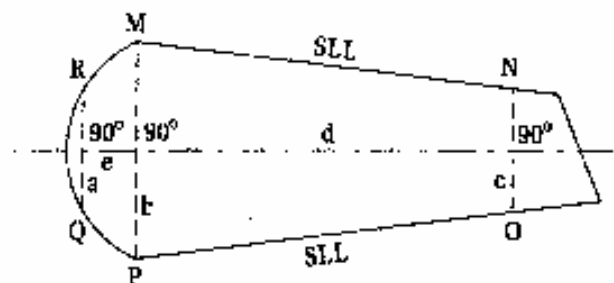
(c) Nonparallel Lot Lines, Alternate 2.



Average Lot Width is $\frac{a + b}{2}$

Area of MNOP equals Minimum Lot Area and line c bisects angle formed by lines MN and OP extended. c is the perpendicular distance between lines a and b.

(d) Nonparallel Lot Lines, Alternate 3.



Average Lot width is

$$\frac{a + b}{2} \times \frac{e}{e + c} + \frac{b + c}{2} \times \frac{d}{e + d}$$

Area of MNOCOR equals Minimum Lot Area and line d bisects angle formed by lines MN and OP extended. d is the perpendicular distance between lines b and c. e is the perpendicular distance between lines a and b.

16.3 ZONING DISTRICT USE MATRIX

USE	ZONING DISTRICT																	
	W-P	W-1	W-2	R-1	R-2	R-3	S-1	S-2	C-1	S-O	F-O	LZ - 12	L-Z	G-I	P-R	C-V	T-P	M-1
Accessory Dwelling (1 only)		P	P	P	P	P	P	P	P	P*	P*							
Accessory Dwelling, rental of		P	P	P	P	P	P	P	P	*	*							
Accessory Structure		P	P	P	P	P	P	P	P	*P	*P	P	P	P	C		P	P
Agricultural Crop Farming	C	P	P	P			**	C		*	*							
Agricultural Crops & Products										*	*				P	P	P	
<i>Aircraft/Airplane Hangar</i>									P									
Airports		C	C				C		P	*P	*	P						
Automobile Sales Establishment									P	*P	*P	P						
Automobile Service & Supply Facility									P	*P	*P	P						
Bank									P	*	*							
Bed & Breakfast									C	*P	*P							
Building, Municipal			C	C	C				P	*	*	P	P				C	
Business & Professional Office									P	*	*							P
Campground		C								*	*				C		C	
Cemetery		C	C	C	C	C	C			*	*		C					
Commercial Entertainment Facility									P	*	*							
Contracting & Building Storage & Service										*P	*P	P						
Dwelling, Multiple (maximum of four (4)) Family				C		C			P	*	*							
Dwelling, Multiple (maximum of four (4)) Family, Rental of				C	P	P			P	*	*							
Dwelling, Single Family (1 only)		P	P	P	P	P	P	P	P	*	*							
Dwelling, Single Family, rental of		P	P	P	P	P	P	P	P	*	*							
Educational Facility/ School/Museum									P	*	*			P				
Educational Facility/School										*	*				C		C	
Fish Hatchery	C	C	C				C			*	*							
Forest Crops & Products		P	P	P			**			*P	*P	P			P	P	P	
Forest Management Programs	C									*	*							
Fuel Storage Facility		C	C							*P	*	P						
Fuel Storage Retail Facility									C	*	*						C	C
Game Preserves	C	P	P				C			*	*				P	P	P	
Healthcare Facility					C	C			P	*	*			P				

Home Business		C	P				C		P	±	±						
Home Occupation Enterprise		P	P	P	P	P	±*	C	P	±	±						
USE	ZONING DISTRICT																
	W-P	W-1	W-2	R-1	R-2	R-3	S-1	S-2	C-1	S-O	F-O	L-Z	G-I	P-R	C-V	T-P	M
Home Office/Studio		P	P	P	P	P	P	P	P	±	±						
Hotel, Motel, Resort									C	±	±						
Junk/Salvage Yards		C	C							±	±	P					
Land Disturbing Activity		P	P	P	P	P	P	P		±P	±P	P	P	P	P	P	P
Laundry Facility									P	±	±P						
Light Industry									±P	±P	±P	P					
Livestock Production/Products		P	C				C			±	±						
<i>Lodging facility (up to four (4) non-transients)</i>									C								
Lodging facility (up to three (3) non-transients)			C	C		C											
Lodging facility (three (3) to eight (8) non-transients)									C								
Marina									C	±	±						P
Materials Recovery Facility										±	±		P				
Non-Metallic Mining		C	C							±	±						
Park/Campground, Municipal							C			±	±						
Parking Lot					C				P	±P	±P	P	P	C	C	C	P
Planned Unit Residential Developments		C	C	C		C	C			±	±		C				
Professional Offices		C	C	C						±P	±P	P					
Public Lake Access										±	±						P
Public Service Utility	C	C	C	C	C	C	C	C	C	±P	±P	P	P	C	C	C	
Public Utility	C	C	C	C	C	C	C	C	C	±P	±P	P	P	C	C	C	
Recreational Facility					C	C				±	±			C		C	
Recreational Trail										±	±			P	P	P	
Religious Facility				P	P	P			P	±	±						
Restaurant & Tavern									P	±	±						
Retail Trade Facility									P	±	±						P
Road/Driveway Access	P	P	P	P	P	P	P	P	P	±P	±P	P	P	P	P	P	P
Road/Driveway Extension	C	P	P	P	P	P	P	P	P	±P	±P	P	P	P	P	P	P
Sewage Disposal Facility		C	C							±	±						
Sexually-Oriented Business									P	±	±						
Transportation Facility										±P	±P	P	P				C
Veterinary Care Facility		C	C						C	±	±						
Warehouse/Storage Facility			C						C	±P	±P	P					C
Wastewater Treatment Plant										±P	±P	P					

Wind Generator, Telecommunication, and Radio Tower, Solar Collector over thirty-five feet (35') high																	
	C	C	C			C			*	*		C	C	C	C		
* Any use, accessory use, or conditional use permitted in the underlying districts, subject to the Ashland County																	
Shoreland Amendatory Ordinance and/or the Ashland Co. Floodplain Zoning Ordinance.																	
** See Section 3.8																	

